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*JUVENILE DELINQUENCY
AND DESTITUTION IN POONA*

DECCAN COLLEGE DISSERTATION SERIES

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JUVENILE DELINQUENCY
AND DESTITUTION
IN POONA

By

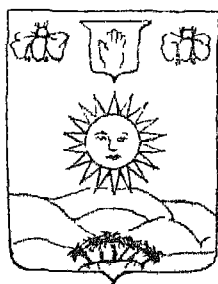
G. N. Rutionsha

DECCAN COLLEGE
Postgraduate and Research Institute
POONA

JUVENILE DELINQUENCY AND DESTITUTION IN POONA

By

Mrs. Goshasp N. Ruttonsha, M.A.



P O O N A

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P R E F A C E

THE problem of juvenile delinquency has attracted considerable attention in Western countries and various people have written on the subject. But in India there has been comparatively very little research in this field. As far as is known, there is only one book that treats delinquency in India at some length and in some detail. It is *The Individual Delinquent* by Dr. CLIFFORD MANSHARDT who was Director of the Sir Dorabji Tata Graduate School of Social Work, Bombay.

The purpose of this thesis is to study the Bombay Children Act, 1924, as applied to Poona, with reference mainly to the cases which came before the Juvenile Court during the first five years of its application. Parts of the ground covered in this enquiry and in Dr. MANSHARDT'S book may be in common, but the enquiry differs from the book in that here the problem has been viewed with greater reference to Indian sociological conditions. Moreover, in this enquiry equal attention has been paid to juvenile destitution and neglect as to delinquency because all Indian Juvenile Courts today are faced by a far larger number of destitute and neglected juveniles than of actual delinquents.

I wish to acknowledge my thanks to the officials of the Juvenile Branch, to the Juvenile Court Magistrates, to the Secretary of the District Probation and After-care Association, to the Probation Officers and to the Superintendents of Institutions for giving me every help in the collection and discussion of the material.

I am also very grateful to my Teacher, Dr. IRAVATI KARVE, M.A., PH.D., Reader in Sociology, for her invaluable guidance.

GOSHASP N. RUTTONSHA.

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CHAPTER I

A HISTORICAL SURVEY

THE Bombay Children Act was introduced "to make further provision for the custody and protection of children and for the custody, trial and punishment of youthful offenders and for the amendment of the Reformatory Schools Act, 1897,¹ in its application to the Presidency of Bombay."² It consists of eight parts of which Part II deals with "measures for the custody and protection of children who are destitute, etc.";³ Part III with "offences against children and their prevention";⁴ Part IV with "youthful offenders";⁵ Part I and others with introductory preliminaries; Certified Schools for court committed children; Juvenile Courts; prohibition of publication of names of children and other miscellaneous subjects. A "child" has been defined as a person under the age of sixteen years and applies to boys and girls.

To give the Act a proper perspective it is proposed to outline the growth of ideas on crime, destitution and child welfare in society, with special reference to European and American communities whose ideas are reflected in this Act, since like some other social and economic changes, the Act is the outcome of Western influence. As the Act has not evolved from Ancient Indian Penal Codes and as the study deals with children under modern Indian conditions, no reference has been made to concepts of crime in Indian thought.

Man has always lived in "groups" or "associations." These "groups" may have been the immediate family to begin with, later extended to groups of more than one family, later still to grow into nations. Such living in groups has entailed the observance of certain rules of behaviour. Some of these rules are positive and define what should be done for mutual aid, like "Help thy neighbour." Others are negative and define what should not be done in order to avoid friction in communal life such as "Thou shalt not steal." The set of negative rules has come to be codified into the Criminal Law; breach of any of its articles is a crime. What action constitutes

¹Reference to this Act will be made later.

²Bombay Children Act, p. 1.

³Bombay Children Act, p. 4.

⁴Ibid., p. 7.

⁵Ibid., p. 13.

a crime varies according to time and place. So does the punishment of the criminal. But the attitude of a community towards crime and the theories underlying punishment follow a general pattern of evolution.

In primitive society there is no written Criminal Law, but the observance of conventions and taboos is rigid. Any individual disregarding them is promptly dealt with, the punishment being left, except for certain offences, to the party injured. In most tribes the punishment for minor offences is merely public censure and mockery of the individual as amongst the Australians and the Eskimos, who go even a step further. "A Greenlander who has suffered some injury, whether by theft, destruction of property or the abduction of his wife, will compose a satirical song in mockery of the culprit and challenge him to a public singing contest. Drumming and chanting, he throws his enemy's misdeeds into his teeth, exaggerating and deriding them and even rattling the family skeletons as well. The accused person receives the mockery with feigned composure and at the close of the challenger's charge returns in kind. Apart from the period of singing, no hostility whatsoever is displayed."⁶

For serious offences, punishment is based on the two principles of recompense and revenge. The intentions of the criminal, his motives, or his age count for very little. What is important is the result of the action. The criminal has to pay for the offence in proportion to the harm he has, intentionally or unintentionally, caused. He must give an eye for an eye. For instance, "a child was burned to death in a fire a woman had built for heating wash-water out of doors. Although the woman was in no way at fault, the life of her son was sought as recompense."⁷

Furthermore certain crimes are reckoned as sins as was the case in all ancient societies and also in European society until about a century ago. In primitive society they are offences against the unseen powers of the universe and invite fit punishment. In such cases, crime and punishment are almost reduced to a natural law. Just as it would burn to step on a live coal, deliberately or accidentally, so punishment must follow crime.

A feature of primitive society, and to some extent of ancient agricultural societies, is that the individual is merged in his group. His fellow-members are collectively responsible for his misdeeds and punishment may be inflicted on any one of them. Among the

⁶ LOWIE, *Primitive Society*, pp. 399, 400.

⁷ LOWIE, *Primitive Society*, p. 387.

Australian Dieri, the death penalty is deliberately inflicted on the criminal's elder brother rather than on the criminal himself.⁸

This principle of group solidarity often leads to blood-feuds and civil wars because when an individual has injured a member of another group, his own group shields him while the opposing group supports the injured man's claims. To avert feuds, certain tribes like the Chukchi have adopted the practice of group-members themselves killing a fellow-member whose behaviour is likely to embroil them with another group.⁹

Collective responsibility persists even today in civilised society as is made evident under extraordinary circumstances. For sabotage or riots whole villages or towns are penalised for the acts of a few. But normally speaking, with the advance of modern civilisation, collective responsibility gradually yielded to individual responsibility, and the power of inflicting punishment came to be concentrated in a person or persons, specially authorised to administer justice. This was the rule, in the Middle Ages, in all cases except homicide which continued to be dealt with by the vendetta until later.

Besides, as civilisation advanced, so did the theory of punishment as a deterrent force. This deterrent aspect of punishment is present also amongst primitive people. The very fact that not only he but also his children or his brothers are liable to be punished, acts as a restraint on a man. Moreover, the wrong-doer fears that should he prove too troublesome, his own people may punish him. But whereas in primitive society this aspect is latent, in the Middle Ages this aspect was definitely emphasised. All through Medieval Europe, penalties were out of all proportion to the crimes committed, as a warning to other potential criminals. In England, "a theft of 5s. was punished in those days with death and the same applied to more than 160 other offences!"¹⁰ The criminal was regarded as a free moral agent who deliberately chose evil rather than good.

This moral responsibility of the offender has always been, and is even now, the fundamental concept of criminal law, for though penal codes have been modified through the influence of criminology and other social sciences, they have never completely discarded this point of view except in the case of children, in some countries.

The penal reformers of the eighteenth century, who formed

⁸ LOWIE, *Primitive Society*, p. 327.

⁹ *Ibid.*, p. 386.

¹⁰ BONGER, *Introduction to Criminology*, p. 40.

the Classical School of Criminology had no quarrel with the current belief of the criminal being a free moral agent, who deliberately chose evil rather than good. Their reforms were actuated by humanitarian motives; not by any ethical reasons.

The miserable lot of the prisoners drew the attention of JEREMY BENTHAM (1748-1832), HOWARD (1726-1789), and ELIZABETH FRY (1780-1845), whose prison reforms gave rise to the idea of correctional punishment.

BECCARIO (1739-1794) was shocked at the barbarity of penalties and worked out a system of punishment which, though very much less severe, were according to him yet severe enough to deter possible criminals and make them realise that pain far exceeded the pleasure of committing any criminal act. As a result of common-sense observation, it came to be realised that children and insane persons could not be expected to gauge the pleasure-pain results as adequately as a normal adult. Thus came the idea of limited responsibility and corresponding reduction in penalty.

The first to question the theory of the moral responsibility of the individual and to distinguish between the criminal and the sinner was LOMBROSO (1836-1909), the founder of the Anthropological School. According to him the criminal was an anthropological freak easily recognisable by certain anatomical and other stigmata, doomed from birth to a career of crime. Though this theory was later proved wrong, it was instrumental in shaking the popular belief of the criminal being a wicked, perverse person, and set the ball rolling for a scientific study of crime.

ENRICO FERRI (1856-1929), LOMBROSO's keenest adherent, saw the defects of the theory and modified it, thereby introducing the Socio-biological School. He believed that crime, like all other human acts, was a phenomenon of complex origin, both biological and physio-social, with different modalities and degrees according to different circumstances of persons and things, of times and places.¹¹ He further believed the criminals were like sick men and had to be treated as such. First of all, the common and fundamental character of all the different establishments where delinquents, for whom reparation in damages was not a sufficient punishment, were isolated, had to be changed from prisons or places of torture and slavery into establishments of physical and moral treatment with discipline suited to the diverse forms of criminal tendency, similar to hospitals, clinics, asylums.¹² On the other hand, prisons were not

¹¹ ENRICO FERRI, *Criminal Sociology*, p. 122.

¹² *Ibid.*, p. 518

to be places of ease and comfort, "objects of envy to the honest labourer badly clothed, badly fed and miserably housed."¹³

Opposed to the Anthropological School was the French Environment School headed by LACASSAGNE (1843-1924), MA-NOUVRIER (1850-1927) and TARDE (1843-1904). They laid stress on the external factors supplied by the social environment, and also the instinct of imitation which led one sensational crime to be followed by similar ones. LACASSAGNE in one of his speeches outlined the Environment theory thus: "The important thing is the social milieu. Allow me a borrowed comparison from modern theory. The social milieu is the culture-medium of criminality; the microbe is the criminal element which has no importance until the day when it finds the culture which sets it multiplying."¹⁴ He concluded with, "Societies have the criminals they deserve."¹⁵

An outgrowth of this school was the Economic Environment School, supported amongst others by TURATI (1857-1932), COLAJINNI (1847-1921) and more recently by W. A. BONGER, which put down crime to the unequal distribution of wealth and the exploitation of the labouring class leading to poverty and covetousness. They thought that only a change in the economic system which would bring the maximum of stability with the minimum difference in the distribution of wealth, would prevent crime.

About this time, also, another group of men were interested in the influence of the physical environment (climate, soil, etc.) on crime. They based their theories on the work of QUETELET (1796-1814), called *Physique Sociale*, where he examines the effect of climate, change of seasons, etc., on the different kinds of crime—such as the increase of economic crimes in winter and crimes against person in summer.

All these theories naturally did not pass without comment from the public and the literary men. SAMUEL BUTLER's satire has quite a lot of space given over to the treatment of criminals in Erewhon—not by any means a Utopian State—where crime is regarded much the same as illness is with us. Criminals are visited by friends and relations during "convalescence" with kind enquiries after their impulse to steal or embezzle entrusted property, as we may do a person recovering from typhoid or chicken-pox!

Then in 1913, CHARLES GORING, in his book *The English Convict*, came to an "inevitable conclusion" that there was "no such

¹³ ENRICO FERRI, *Criminal Sociology*, p. 519.

¹⁴ BONGER, *Introduction to Criminology*, p. 78.

¹⁵ *Ibid.*, p. 79.

thing as a physical criminal type."¹⁶ He brought out a theory based on his general impressions that a man became a criminal due to an inferior intellect. With progress in mental testing and the opportunities provided by the last war for extensive examinations, it was possible to prove that mental deficiency alone was not the cause of crime.

• In 1928, SCHLAPP and SMITH, in their book, *The New Criminology*, advanced the theory that unbalanced glandular action was responsible for certain criminal actions.

The outcome of these various theories was that society began to realise that it was not mere perversity and a depraved nature that made a man criminal, but that the causes were varied and multiple.

LACASSAGNE's statement that societies had the criminals they deserved, jolted society out of its smug, complacent, extrovert attitude towards crime. It became self-conscious for the first time and began to analyse the economic and social conditions within itself which bred crime. It came to the conclusion that, of the varied and multiple causes, one of the most important was the environment, and accepted in part the moral responsibility of its criminals, specially juvenile delinquents who, it was felt, would be even more influenced by a vicious environment than adults.

This change of attitude on the part of society towards crime and criminals was reflected by penologists and jurists in their writings. Though criminal law did not go to the extent of exempting the criminal of moral responsibility, important modifications were introduced. In a mature criminal law, the intent to commit the criminal act, the *mens rea*, is an essential element in guilt. Today there is a fine distinction between wilful murder, voluntary manslaughter, and involuntary manslaughter, according to whether the crime was committed with intent and malice or with intent but without malice, or through just negligence. This *mens rea* is totally lacking in the conception of crime in the law of early times. The Code of Hammurabi, which is the earliest written law known, has definite punishments for different crimes: "If a man steals the goods of a god or a great house, that man shall be slain. And whosoever receives the booty at his hand shall be slain also."¹⁷

"If a man has broken into a house, before the breach shall he be slain, and there buried."¹⁸ The Ten Commandments were absolute. "Thou shalt not kill," "Thou shalt not steal." An

¹⁶ *Encyclopedia Britannica*, Vol. 6, p. 720.

¹⁷ CHILPERIC EDWARDS, *World's Earliest Laws*, p. 17.

¹⁸ *Ibid.*, p. 19.

Athenian audience would have been horrified if Oedipus, who was guilty of parricide and incest, through ignorance and accident, had been let off without punishment. Neither the story-tellers of *The Arabian Nights*, nor those who listened to them, could have found it unjust when the Genius said: "I must destroy thee, as thou hast done my son"¹⁹ to the poor merchant, whose only fault was that he was indulging himself in the innocent pastime of throwing about the stones of the dates he had been eating, and one of them happened to hit the son of the Genius in his eye as he was passing, and so cause his death. Even animals were formally tried and prosecuted. "This practice of trying animals and things was very common everywhere in ancient times and lasted beyond the Middle Ages."²⁰

Criminal intent was considered to a limited extent in the case of children. The Roman Law stated that a child under seven years was incapable of crime. Boys from seven to fourteen and girls from seven to twelve (pre-puberty age) were considered partially responsible and the punishment left to the discretion of the praetor.²¹

The Germanic Laws, in Medieval Europe, were much severer, and under them even children under seven years of age were sometimes considered capable of criminal intent.

Under Roman influence, it became usual for children under seven years to be exempted from guilt. But children from seven years to fourteen years often paid the full penalty. To quote BLACKSTONE (1723-1780), "But by the law, as it now stands, and has stood at least ever since the time of Edward III, the capacity of doing ill, or contracting guilt, is not so much measured by years and days as by the strength of the delinquent's understanding and judgment. For one lad of eleven years old may have as much cunning as another of fourteen; . . . Under seven years of age, indeed, an infant cannot be guilty of felony, for then a felonious discretion is almost an impossibility in nature; but at eight years old he may be guilty of felony. Also, under fourteen, though an infant shall be *prima facie* adjudged to be *doli incapax*, yet if it appears to the court and jury that he was *doli capax* and could discern between good and evil, he may be convicted and suffer death. Thus a girl of thirteen has been burned for killing her mistress; and one boy of ten, and another of nine years old, who had killed their companions, have been

¹⁹ Arranged by Hon. Mrs. Sugden, p. 9.

²⁰ *Encyclopedia of Social Sciences*. Vol. VII, p. 451.

²¹ A similar idea is found in the Hindu concepts for the responsibility of the crime. It is said, "An old man over eighty, a boy below sixteen, women and persons suffering from diseases are to be given half the punishment. And a child less than five, commits no crime nor sin by any act and is not to suffer any punishment."—KANE, *History of Dharmasastra*, Vol. III, p. 395.

sentenced to death, and he of ten years actually hanged; because it appeared, upon their trials, that the one hid himself, and the other hid the body he had killed, which hiding manifested a consciousness of guilt, and a discretion to discern between good and evil. And there was an instance in the last century where a boy of eight years old was tried at Abingdon for firing two barns; and, it appearing that he had malice, revenge and cunning, he was found guilty, condemned and hanged accordingly. Thus, also, in very modern times, a boy of ten years old was convicted on his own confession of murdering his bedfellow, there appearing in his whole behaviour plain tokens of a mischievous discretion; and, as the sparing of this boy merely on account of his tender years might be of dangerous consequence to the public by propagating a notion that children might commit such atrocious crimes with impunity, it was unanimously agreed by all the judges that he was a proper subject of capital punishment."²²

BECCARIO'S pleasure-pain theory did much to improve the lot of children by introducing the idea of limited responsibility. Later the Code Napoleon, which influenced all European countries, raised the age limit of doubtful criminal intent to sixteen years and introduced a reduced scale of punishment which did away completely with capital punishment for children.

In a mature criminal law, not only is criminal intent, but the motives and personality of the offender also are important factors in determining the punishment. The principle of "strict law" so-called, which demands a fixed penalty for every criminal offence and the application of that penalty in every case to which it applies, like the Hummurabi Code, has given way to the principle of individualisation of punishment, which assumes a sufficient discretion to be vested in the court to permit an adjustment of the penalty within certain limits, to the circumstances of the individual case.

Attention being thus focussed not on theoretical conceptions of the offence but on the personality of the offender, his physical and mental make-up, his environment and his motives, it was soon realised that the child offender and his problems were very different to the adult criminal and his problems. Children were mentally immature, more liable to be victims of social conditions, and their motives differed vastly from those of adults.

As a result of these observations, penologists and social workers were convinced that the system of dealing with juveniles had to be radically changed. It was felt that what was needed was "protec-

²² *Encyclopædia of Social Sciences*, Vol. III, pp. 407, 408.

tion rather than punishment for the delinquent of tender years."²² Some countries like America, Belgium, Holland and Spain, accepting the full consequences of the findings of the Sociological Schools, discontinued the application of the ordinary penalties of the criminal law, even in mitigated form to delinquent minors, and substituted the exclusive use of educational and social measures. The Committee concerned with the preparation of the first Juvenile Court Law (Chicago, 1899), defined its purpose as follows: "The fundamental idea of the law is that the State must step in and exercise guardianship over a child found under such adverse social or individual conditions as develop crime. . . . It proposes a plan whereby he may be treated, not as a criminal or one legally charged with crime, but as a ward of the State, to receive practically the care, custody and discipline that are accorded the neglected and dependant child, and which, as the act states, 'shall approximate as nearly as may be that which should be given by its parents.'"²⁴

Other countries, like England, France and Germany, absorbed educational ideals into existing criminal procedure. They also had Juvenile Courts, but these Courts followed a modified form of criminal procedure and though the measures taken were mainly educational, they retained the possibility of applying specific penalties in certain cases. By 1915, America and almost all the European countries had juvenile courts.

The Chicago Juvenile Court Law mentions that the delinquent child would henceforth receive the care, custody and discipline accorded the neglected and dependant child. The neglected child will be described more fully later; suffice it to say that he is one who is in danger of being exposed to evil moral influences or in any way victimised. "Dependant" is another name for the destitute child, so called because he has to depend on some one other than his parents for his livelihood. State interest in neglected and dependant children was partly due to the fact that as penal reforms proceeded, the attention of social reformers was directed more and more toward the young as the most promising field for reducing crime, and study amongst juvenile delinquents showed that significant factors contributing to delinquency were neglect and destitution.

Destitution is largely a problem to be met with in civilised communities. Primitive tribes quite often lead a hand-to-mouth existence, but the lot of one is the lot of the whole community, so desti-

²² *Encyclopedia of Social Sciences*, Vol. IV, p. 577.

²⁴ *Encyclopedia of Social Sciences*, Vol. VIII, p. 529. °

tution as an individual problem does not arise. Moreover, a primitive man does not usually go hungry. Where there is anything to eat at all, all group members have an equal share. When a hunter brings down game, he must raise a shout and call the rest to participate.²⁵ Particularly remarkable are the practices among the Eskimo,²⁶ the Yakuts²⁷ and Polynesian tribes.²⁸ A primitive man can neither be too rich nor too poor. "Equality in well-being or in discomfort is the characteristic trait of individual existence."²⁹

Amongst civilised communities too, as long as society was mainly rural and agricultural, destitution was not so much in evidence; for the unit, the basis of such society, was the joint-family, where the male members of the family did not separate but lived and worked together on the ancestral land. Each individual had his share of the property which he, more or less, held in trust for the whole family, for no part of the ancestral property could be sold, mortgaged or otherwise disposed of for personal gains. Thus the property was handed down intact for generations, and a child had his allotted share even before he was born. It is true that individual initiative and enterprise were hampered by having to provide for the whole group. The more hard working member may have had to pool his gains with those of his easier going relatives. But, on the other hand, he was assured of food, shelter and family help in case of illness or any other personal misfortune. Even if the wage-earning member died, his relatives were bound by social conventions, if not by affection, to stand by the widow and her children. Then also social mobility was at a minimum, most of the travelling being done by a few merchants who, however, always left behind their families with relatives, who were responsible for their care.

The introduction of mechanical inventions brought about a great change in social conditions. The factories became urban centres and attracted more and more of the rural population. The congested urban area, with limited space, was hardly favourable for a large joint-family. Social mobility increased beyond comparison; not only "geographical" mobility, but "vertical" mobility also, from class to class, and "horizontal" mobility, to other positions in the same class. "Urbanisation and mobility have broken up the large

²⁵ SUMNER KELLER, *Science of Society*, Vol. I, p. 327.

²⁶ *Ibid.*, p. 327.

²⁷ *Ibid.*, p. 271.

²⁸ *Ibid.*, p. 271.

²⁹ ZIMMERMAN and FRAMPTON, *Family and Society*, p. 405.

family group of our older rural society. Grand-parents, uncles and aunts less frequently live with the family. Adolescent sons and daughters leave the home community to find work. A new cultural attitude has arisen that it is actually undesirable for a young married couple to live with a parental family."³⁰ Thus the joint family has come to be replaced by the atomic family. "Under this regime the individual, single or married, finding it no longer necessary to provide for the needs of his relatives, rapidly attains a high position, if he is capable. On the contrary, if he is incapable or unfortunate, he is not able to call upon any family help in case of need. Thus he falls more quickly into a miserable condition. Unhappily this depraved condition tends to perpetuate itself because parents can no longer contribute further to the establishment of their children, or because the children are not under parental guidance. Thus is formed the peculiar social state which history has not often disclosed—pauperism."³¹

Since, under existing conditions, it is impossible and undesirable to revive the joint-family, pauperism has to be dealt with by modern methods. The progressive States are trying to meet the problem by introducing higher wages, insurance against ill-health and unemployment, etc. In England, "the establishment of the national system of health insurance in 1911 has proved to be one of the greatest contributions to public social health. Eventually the scheme as passed by Parliament was this: Everybody, man or woman, over sixteen years of age (later extended to fourteen to sixteen) who is employed under contract in manual labour (non-manual labour if earning less than £250 p.a.), must be insured against sickness and unemployment."³²

Moreover, the English Government has sought to help the wage-earning community by the introduction of various pensions like the Old Age Pension, 1908, for people over seventy years (later reduced to forty years for the blind); contributory pensions for widows and orphans; for blackcoated workers, to name only a few, apart from the fixing of minimum wages.

The higher the wages, naturally, the less acute the problem of destitution. For instance, the lowest income group of families in New York, studied by Chapin in 1909,³³ had an annual income of \$400-499. Their expenditure per cent was:

³⁰ FOLSOM, *The Family*, p. 188.

³¹ ZIMMERMAN and FRAMPTON, *Family and Society*, p. 133.

³² SIR GEORGE NEWMAN, *English Social Services*, p. 41.

³³ *Encyclopedia Britannica*, Vol. 21, p. 309.

Food	40.8	Primary Necessities	} Safety Margin
Rent	26.8	Secondary Necessities	
Clothing	....	13.0	
Fuel, etc.	....	5.6	
Car fare	2.6	Etc.	
Insurance	....	1.2	
• Health	....	3.1	
Sundries	6.9		

Such a family in times of financial stress could easily economise, out of the secondary necessities, etc. and adjust the budget so that the family would not have to go without food, a primary necessity. When only 40.8 per cent of the income is spent on food, the family has a reserve, a "Safety Margin" of 59.2 per cent on which to draw. Because of the high standard of living, America was able to go through the depression of 1932 with comparatively few serious ill effects. According to FOLSOM: "The depression has cut our material income, which largely represents material goods, from 89 billion dollars in 1928 to an estimated 50 billion or less in 1932. Yet in 1932 our death rate was lower than ever before! It is impossible to say that actual life is threatened when there is no increase in death rate. Few other countries would have been able to reduce their national income by half without serious undernourishment."³⁴ The same author mentions later: "It is estimated that 75 to 80 per cent of the income of the POOREST classes in backward countries goes for food, while in America this percentage is around 40 or 50."³⁵

In an economic survey of Poona about 4,500 families were examined recently. A yearly income of Rs. 150 per adult unit was worked out to be a living wage standard. Of the 4,500 families, 65 per cent were found to be below the Rs. 150 level.³⁶ With such inadequate incomes death or even ill-health and unemployment of the wage-earning member would result in immediate destitution, because in India there is no national insurance or proper State-controlled medical aid to help the individual tide over the difficult period. Even those families which would be considered comparatively well-off are in danger of becoming destitute, if something serious happens to the wage earner.

The care of destitute children, which was formerly left entirely to the discretion of private or religious organisations, has gradually come to be recognised as a responsibility of the State.

³⁴ *The Family*, p. 183.

³⁵ *Ibid.*, p. 185.

³⁶ D. R. GARTIL, *Poona, A Socio-Economic Survey*, p. 298.

Until well into the nineteenth century, institutions for children, indenture and mixed workhouses, where were gathered not only the poor, but also "the blind, diseased, feeble-minded, immoral and insane,"⁸⁷ provided most of the care for destitute children in almost all the countries of Europe and America.

In the latter half of the nineteenth century, mixed institutional care was severely criticised in America and not so frequently used. At about the same time, America introduced the system of free foster homes without indenture and the system of boarding out in families at public expense. Placing out in families, though not so widely practised at first, was recognised to be the best substitute for a natural home for the normal child, and adopted by the European countries shortly after its introduction in America.

With progress in the study of child psychology, it became increasingly evident that the child was best brought up in his own home, specially where poverty was the only cause of dependency. The maintenance of the child at home, through some kind of mother's pension, was felt to be the most desirable method of care. The first State Law providing aid to mothers was passed in 1911, in one of the States of America, from where the idea spread rapidly. In England, the number of children in institutions, foster homes, workhouses, was considerably reduced in 1928, due to the operation of Widows', Orphans' and Old Age pensions.

The other factor contributing to delinquency was found to be, as mentioned earlier, neglect. BONGER, speaking of the results arrived at by criminal sociology, says: "Criminal sociology is already a century old, and it can boast of having brought complete clarity into some of the factors in criminality." First amongst the factors, he gives: "Neglect of children, etc. Criminality among children and young persons forms in itself a large part of total criminality. Moreover, the overwhelming majority of adult criminals began their career, or were already demoralised, while still young. One knows pretty well the causes of adult criminality when one knows those of youthful crime. The accumulated material which proves that bad example, neglect, etc., are very important factors in causing criminality, is simply overwhelming."⁸⁸

The neglected child, as defined in Part III and sections of Part II of the Bombay Children Act, 1924, is one whose parents or guardians are unfit by reason of criminal or drunken habits (Part II); one who is in any way likely to fall into bad associa-

⁸⁷ *Encyclopedia of Social Sciences*, Vol. III, p. 399.

⁸⁸ *Introduction to Criminology*, pp. 83, 84.

tion or be exposed to moral danger or to enter upon a life of crime (Part II); one who is exploited by adults for begging purposes (Part III); one who is abandoned, exposed or wilfully neglected or ill-treated in a manner likely to cause physical injury or mental derangement (Part III); a girl encouraged to practise prostitution (Part III); etc.

Recognition by the State of neglected children has been a very recent development. In early times, the law accepted the head of the family—usually the father—as the supreme authority with regard to his children, until they attained puberty. After that a child became a man and a citizen, with a citizen's right of self protection. But until then, he could be treated as his parents pleased.

The Roman Law allowed the head of the family unlimited authority, "*patria potestas*," over all the children of the family group. In theory, "he could abandon them to exposure, imprison or kill them or sell them for slaves beyond the Roman borders."³⁹

In Greece, honour and obedience to parents was put on a par with honour to the gods. In Athens, at least, there was a law which punished children who failed to look after their parents. Exposure was permitted and "so long as a man did not kill the infant with his own hands, he had no serious scruples about leaving it to perish of starvation."⁴⁰

Persians, too, could expose or abandon a child who was completely under the control of his father until, at fifteen years of age, "he was then relieved from parental discipline."⁴¹

The Hebrews could do anything short of killing their children. They were strict in the extreme for breaches of filial piety. Any child guilty of assault or injury to his parents was liable to be stoned to death.⁴²

The Assyrians and the Babylonians were like the Hebrews—"if a son smite his father, they shall cut off his hands."⁴³ Daughters, specially, were frequently sold as slaves. In cases of adoption, the rules were framed more for the protection of the new parent than for the child.⁴⁴

The Ancient Welsh Laws provided that until fourteen years of age, "he (the son) is to be at his father's platter, and his father shall lord over him; and he is to receive no punishment but that

³⁹ *Encyclopedia of Social Sciences*, Vol. III, pp. 375, 376.

⁴⁰ *Encyclopedia of Religion and Ethics*, Vol. 3, p. 540.

⁴¹ LEIGER, *Civilisation of Eastern Iranians*, p. 58.

⁴² *Encyclopedia of Religion and Ethics*, Vol. 4, p. 281.

⁴³ *Ibid.*, Vol. 3, p. 528.

⁴⁴ *Encyclopedia of Social Sciences*, Vol. III, p. 399.

of his father." At the end of fourteen years, "the father is to bring his son to the lord and commend him to his charge; and then the youth is to become his man, and be on the privilege of his lord—thenceforward his father is not to correct him any more than a stranger."⁴⁵

Amongst the Chinese, the "*patria potestas*" was in force right up to the second decade of the present century. Slaughter of one's child was a minor offence or no offence at all, if the parent had been struck by his son or daughter. The sale of children seems to have been common even as late as 1933. "Though now prohibited by law, the sale of children still exists. Exception seems to be virtually allowed to families permanently distressed by famine or other causes, and many accordingly sell their children from mere stress of poverty; boys are seldom parted with, but slave-girls abound, there being scarcely a respectable family without one or more of them."⁴⁶

In Ancient India also, the father was the supreme head of his family. For example, it is said, "Man produced from seed and blood owes his birth to his mother and father; hence the mother and father have power to fine, to sell, or to abandon him. But one should not give or accept an only son, as he is required to continue the aim of his existence."⁴⁷ The position of sons was better than that of daughters because of the law that gave a son practically undisputed share in his father's possessions. Though instances of fathers dispossessing their sons are cited in the Vedas, they are very rare. The sale of children, though possible, did not form a part of the Ancient Indian Social System as in China. Hindu legends and folk-songs go to show that the "*patria potestas*" remained unquestioned in later India too. A Gujerati Bania sacrificed his grandson to Shitala Mata, so that his well might yield water; a king named Shriyal gave up his son at the bidding of a religious mendicant.

Sometimes, even amongst people who forbade the killing of one's child, parents who killed for sacrifice were excused and even applauded as were Abraham who would have sacrificed his only son Isaac and Agememnon, who nearly sacrificed his daughter Iphigenia to Artemis, for a favourable wind to sail against Troy. An exception to the above attitude was perhaps found in Vedic India where human sacrifice was possible, but a parent who sacrificed his child was treated with contempt. There is a Vedic story about

⁴⁵ *Encyclopedia of Religion and Ethics*, Vol. 3, p. 530.

⁴⁶ SUMMER KELLER and DAVIE, *The Science of Society*, Vol. IV, p. 1079.

⁴⁷ KANE, *op. cit.*, p. 663.

King Hariscandra who consents to sacrifice his son to Varuna. Just as the boy is being bound to the stake, he recites a prayer and the bonds fall apart. This is taken as a favourable omen and the sacrifice is not concluded. When the Brahmin tries to welcome him back home the boy gives a very spirited reply refusing to return to a parent who has thought fit to treat him like his chattels. A priest who has witnessed the proceedings also tells the king that he cannot understand what sort of a father he is who is willing to kill his own child.

In Medieval Europe, the father could no longer kill or sell his child with impunity, but the "neglected" child, as understood today, was not noticed till quite late in the nineteenth century. A "Society for the Prevention of Cruelty to Children" was formed in 1875, in New York, to be followed by similar societies in the other American States; in London in 1888, and gradually all over the world. The scope of their protective work, at first, was to remove any child suffering from brutal treatment or living in degrading surroundings and securing the necessary legislation to make their removal legal. Later, these societies widened their scope of work by stressing preventive and constructive work with the co-operation of other child welfare agencies. They took into consideration problems like the need of regulating the employment of children; the necessity for protection from various immoral associations in the house, in the street and in the course of the child's occupation which are likely to contribute to juvenile delinquency; child neglect arising out of lack of supervision when mothers go out to work, etc. The principle of retaliation against the parents, which usually took the form of depriving them of parental authority, gave way to attempts to reorganise and reconstruct family situations leading to child neglect.⁴⁸ The State retained the right of limiting parental authority, but the neglected child was treated along the same lines as a dependant child.

⁴⁸ *Encyclopedia of Social Sciences*, Vol. III, p. 404.

LEGISLATION PRIOR TO THE BOMBAY CHILDREN ACT

As THE scientific study of crime gained ground in Western countries, Western ideologies made their effects felt in India also. In the Province of Bombay, the treatment of all offenders up to twenty-one years, which is the age of civil majority, changed considerably. Offenders of eighteen to twenty-one years are now committed to special juvenile sections in prisons, and even serious offenders rarely serve their full terms. Committees have been formed to visit the prisons and advise the release of prisoners. Women prisoners, even those convicted of serious offences, serve their terms in Rescue Homes for women instead of prisons whenever possible. The change of attitude will become apparent when it is stated that about twenty-five years ago a young woman aged fourteen, charged with murder, was transported for twelve years to the Andaman Islands. Her children were brought to the Poona Juvenile Court as destitutes in 1939. Offenders of sixteen to eighteen years are dealt with under the Borstal Schools Act, 1929.

As regards children under sixteen years, there have been various All-India enactments leading up to a full fledged children Act in three Provinces.

The earliest legislation in connection with children seems to have been the Apprentices Act, 1850, an All-India enactment in which mention was made of magistrates being given the power to bind as apprentices children of ten to eighteen years who had been found guilty of petty offences or were destitute.

Before any other legislation for children was passed, Sec. 399 of the Criminal Procedure Code provided that boys under fifteen years could be committed to Reformatories "established by the Local Government where special facilities for discipline and training were provided."¹

In 1897, an All-India measure, the Reformatory Schools Act, which replaced a similar measure of 1876, dealt with delinquent boys below sixteen years in the Bombay Presidency and below fifteen years in other parts of India. "Under the Act, Reformatory Schools may be established and youthful offenders may, at the discretion of

¹ *Report of the Committee of Enquiry, 1933, Part I. n. 4.*

the sentencing Court, be ordered to be detained in a Reformatory School from two to seven years instead of undergoing a sentence of imprisonment. No boy may be detained in such a school after the age of eighteen. Provision is made for the release on licence of boys over fourteen if suitable employment is available, and the Superintendent of the Reformatory School is responsible for ensuring that the prescribed conditions are observed."²

This Act was a step forward in that it provided an alternative to prison for boys, but it made no provision for girls and destitute and neglected children.

A more comprehensive Act based on the Children Act of England, appeared after about twenty years, in three Provinces: A Children Act was introduced in Madras, in 1920; in Bengal, in 1922; and in Bombay, in 1924. The other Provinces, except Sind, still have the 1897 Act in force. Sind is an exception because at the time when Parts I, IV, V, VI, VII and VIII of the Bombay Children Act were enforced in the whole of the Bombay Presidency, Sind had not separated. The Central Provinces, the United Provinces and the Punjab have at least State controlled Reformatories, but the other Provinces have at the best, Juvenile Sections in their prisons. Delhi is now considering the application of the Bombay Children Act minus its reference to Certified Schools.

There is no legislation of any sort for children in the majority of Indian States. Baroda and Travancore have a Reformatory each; Mysore is considering the treatment of juveniles on modern lines and has sanctioned the appointment of a Probation Officer. Thus work amongst children in India, apart from not being uniform, is not yet universal.

In Bombay, the Children Act was passed through the efforts of the Society for the Protection of Children in Western India, in 1924. Three years later, in 1927, it was finally put into operation. It was applied at first to the city of Bombay only, and later in the same year by some mistake to the out-of-the-way station of Lonavla. But not one case was reported from there and the order was repealed by notification when the Act came into force in Poona.³ As work in Bombay developed, the Act was gradually extended to other areas.

To maintain uniformity in work under the Children Act in different parts of the Presidency, it was felt that some kind of cen-

² Ibid., p. 4.

³ As Lonavla is in the District of Poona, the occasional cases that have arisen there have been referred to the Poona Juvenile Court.

tralised control was necessary. So, in 1934, the Government established the Juvenile Branch under the Chief Inspector of Certified Schools, in Poona. To avoid unnecessary expenditure, it was thought advisable to link this branch with an existing department of Government. The Backward Class Officer was accordingly appointed Chief Inspector and the Juvenile Branch was established as part of his office.

The Act was extended to Bombay Suburban District in 1931; to Dharwar and Hubli in 1934; to Sholapur, Belgaum and Poona in 1935; by 1936, the Act, except Parts II and III, was applied to the whole of the Presidency. The full Act came into force in Ahmedabad in 1937; in Pandharpur and Surat in 1940; in Bijapur and Satara in 1941; in Ahmednagar in 1942; in Nasik in 1944; and in Broach in 1945.

Social legislation of any sort remains inoperative unless there are social services to put the legislation into working force. The responsibility of making the Children Act effective was undertaken in Bombay by the Children's Aid Society which came into being in 1927. Elsewhere in the Presidency, societies known as District Probation and After-Care Associations were created to take charge of work under the Act. The growth of the application of the full Act in the Districts has depended on the creation of these Associations. The District Associations are affiliated to, and supervised by, a Federal Association, the Bombay Province Probation and After-Care Association, constituted by the Government. The activities of the local Associations, and through them of the Federal Association, are however, not confined to the Children Act. They include work under two other Acts—the Bombay Borstal Schools Act, 1929, and the Probation of Offenders Act, 1938.

Under the Probation of Offenders Act work has not yet started; under the Borstal Schools Act, boys released on licence from Borstal are supervised; under the Children Act the activities are supervision of children placed on probation by the Juvenile Court and after-care of children released on licence from the Certified Schools. In addition, the Associations are entrusted with maintaining Remand Homes and making preliminary enquiries about children who come before the Juvenile Courts.

The District Associations appoint full-time, salaried workers, known as Probation Officers. On the recommendation of the Associations, deserving Probation Officers are later taken into Government service on more advantageous terms and are lent to the Associations on a foreign service basis. A Probation Officer once on the Govern-

ment cadre, is liable to be transferred to any District Association. These Probation Officers do all the probation and supervision work as well as make preliminary enquiries and manage a Remand Home.

A Remand Home is a place of detention for a child until the disposal of his case. It is not only a place of safe custody but also a place of observation. The case of each child has to be studied in detail, so that he may be given the right treatment. The person making the enquiries, often the Probation Officer who will if necessary eventually supervise the child, has to discover all the factors of the child's life; to learn his ambitions, fears, weaknesses, and put the child's point of view before the Court. A Remand Home makes all these enquiries possible.

The requirements of a suitable Remand Home, according to the Children's Bureau Publication 121, U. S. Department of Labour, quoted by CLIFFORD MANSHARDT are:

"(a) The juvenile court, if not actually operating the detention home, should control its policies and the admission and release of children.

"(b) Provision should be made within the home for segregation of sexes and types of children, and for adequate isolation facilities and medical care.

"(c) Adequate facilities should be provided for the study of the child's physical and mental health, but except in rare instances the detention home should not be used primarily for this purpose.

"(d) There should be specialised school work for the children detained, and recreational facilities should be provided. The daily programme of activities should be full and varied in order that constructive interests may supplant morbid tendencies and undesirable companionships. Opportunity should be given for the exercise of the child's religious duties.

"(e) Effective supervision should be maintained at all times.

"(f) The detention home should not be used as a disciplinary institution."⁴

It is stated in the Children's Bureau Publication that the Juvenile Court should control the policies of the Remand Home and the admission and release of children. Under the Children Act, should a child be brought for protection to, or seek protection in, the Remand Home or any other place of safety, the authorities in charge of the Remand Home or the place of safety have to notify the nearest court or magistrate having jurisdiction under the Act, within twenty-four hours; if a child is arrested by the police, his

⁴ *The Delinquent Child*, pp. 93, 94.

case has to be reported to the court or magistrate, who has the choice of either remanding the child or releasing him on bail.

Most people interested in juvenile delinquency today believe that a child should be remanded only when necessary; he should be returned to his own home as far as possible because in the Remand Home he meets all types of delinquents from whom he is likely to pick up bad habits. According to them, remand is only justifiable if the child belongs to another part of the country and has no home in the town; or if the child is likely to abscond or is stated to be uncontrollable by his parents; or is likely to be ill-treated at home; or if the child needs medical or any other treatment which he would not get at home; or if his evidence is likely to be influenced.

As regards medical care, it is stated in the Bombay Children and Juvenile Courts Rules, 1936, that "in every case against a child, the court shall obtain medical opinion regarding his age and his physical and mental condition."⁵ The District Association Remand Homes usually have no facilities for such examination on the premises, but every child remanded is sent to a hospital, which is generally the Civil Hospital, to be medically examined. If any treatment is required, the child is treated as an out-patient unless he is seriously ill. In that case he is detained in the hospital itself.

One of the essential features of a Remand Home, according to the Children's Bureau Publication, is that it should not be a disciplinary institution. This is important because detention in a Remand Home is the child's first contact with law. His treatment while on remand will determine his attitude towards the Juvenile Court and all connected with it. A child who adopts a suspicious and defiant attitude will not confide in even the most sympathetic magistrate, and will not respond to efforts made by the Juvenile Court for his rehabilitation. "A satisfying or unsatisfying initial conduct may influence the whole future treatment programme."⁶

It was mentioned that certain countries, like America, abolished the application of Criminal Law even in mitigated form to minors; other countries, like England, incorporated educational ideals into existing criminal procedure. The Juvenile Courts in America are, therefore, mainly courts "having special jurisdiction of a parental nature over delinquent and neglected children."⁷ Juvenile Courts in England and in India, since they follow the English pattern, are courts of summary jurisdiction, that is, criminal courts, but they at

⁵ Rule 15A, p. 5.

⁶ CLIFFORD MANSBURY, *The Delinquent Child*, p. 100.

⁷ HERBERT LOW quoted by C. MANSBURY, *op. cit.*, p. 105.

the same time recognise the principle of guardianship and perform both civil and criminal functions.

The Child Welfare Committee of the League of Nations that was, studied the problem of juvenile delinquency in various countries and in 1936, published a Report⁸ based on the material collected and discussed in the course of its sessions. Here it is not possible to quote in detail the minimum conditions to be fulfilled by Juvenile Courts as formulated in the Report, but in the main they are:

ORGANISATION

1. The authority—whether a judicial body or not—called upon to try children should be different to that called upon to try adults. The Court should consist either of one magistrate with special knowledge of juvenile delinquency, or of a magistrate assisted by “assessors” (magistrates) chosen from doctors, educationists, psychiatrists, social workers, or persons with practical experience of child welfare questions. The co-operation of women, either as magistrates or as assessors, is greatly to be desired.

2. Different premises from those in which adults are tried, should be used for juveniles; if this is not possible they should, in any case, be heard at different times from adults.

3. The appearance of the Juvenile Court should be as simple as possible.

COMPETENCE

1. Generally speaking, all offences of whatever nature committed by children should be tried by Juvenile Courts. They should also be competent to deal with cases of children in moral danger unless this task is entrusted to some other body.

2. When minors are implicated together with adults, the procedure followed for minors should as far as possible be different and they should appear before a Juvenile Court.

PROCEDURE

1. The procedure should be simple and adapted to the special nature and functions of Juvenile Courts. Persons taking part in the proceedings should adopt a natural attitude towards the minor so that the questioning may more or less take the form of simple conversation and the minor be encouraged to give frank and straightforward answers.

⁸ Advisory Committee on Social Questions, *Principles Applicable to the Functioning of Juvenile Courts and Similar Bodies, Auxiliary Services and Institutions*. League of Nations Publications IV Social, 1937, IV 9.

2. The object of the enquiries should be to obtain detailed information regarding the minor so that the court may have the fullest knowledge of all the elements and factors which may have led up to the offence and may take appropriate measures. The Court should arrange for a competent person or organisation to make detailed social enquiries into the minor's character and environment.

3. In order to obtain the fullest possible knowledge of the minor's character, he should from the outset of the enquiries, be placed under appropriate observation and if necessary should undergo a physical, mental and psychiatric examination.

4. If in the course of the proceedings it is necessary to take provisional measures, such measures should be of an educative character and suited to the mental state, physical needs and home conditions of the minors. If possible, the best procedure is to place the minor provisionally with his parents with or without, preferably without, supervision by a probation officer or an appropriate social agency. The Court should be empowered to have the minor removed whenever it thinks it necessary.

5. Juvenile Courts should sit *in camera* to avoid publicity. Only persons directly concerned with the case or with the Juvenile Court should be allowed. The press should be prohibited from publishing reports of cases except with the special permission of the Court. The delinquent's name, address or photograph should never be published.

Under the Bombay Children Act, the Provincial Government may establish in any area special Courts for the conduct of proceedings under the Act; where no such Court is established the Courts authorised to exercise powers under the Act shall sit for children's cases whenever practicable in a different building or room from that in which the ordinary sittings of the Court are held or on different days or at different times from those at which the ordinary sittings are held.⁹

In Bombay a special children's magistrate has been appointed, but elsewhere in the Presidency the Juvenile Court consists of a stipendiary magistrate who is usually the City Magistrate, assisted by one or two Honorary Magistrates (assessors) usually ladies, appointed by the Provincial Government.

The salaried magistrate, as the Presiding Officer, is competent to exercise all the powers of the Juvenile Court if one or both the Honorary Magistrates are absent, and in case of disagreement between the members of the Bench, his opinion prevails.

⁹ Sec. 46 (1) and (2), p. 39.

The system of appointing the Presiding Officer, as obtains to-day, has obvious disadvantages. A children's judge has to be specially qualified. Child psychology and other subjects connected with juvenile delinquency do not enter the course of training of a magistrate of the adult court. Furthermore, the Juvenile Court Magistrate must be temperamentally suited to his work. "To be a good magistrate demands the imagination that can grasp the problems of men and women whose lives have been passed in entirely different material surroundings, whilst the good juvenile court magistrate must also be able to enter into the difficulties and aspirations of another generation."¹⁰ Thus the magistrate has to be carefully chosen, but there is no choice if a magistrate from a certain adult court automatically becomes the Presiding Officer of the Juvenile Court.

It is true that the Presiding Officer has assessors to help him and that he is usually interested in learning the ways of the Juvenile Court, but just as he begins to pick up acquaintance with the philosophy of the Juvenile Court and modern methods of treatment, he is transferred. The new City Magistrate becomes the Presiding Officer and everything starts afresh.

The Juvenile Court is competent to deal with all the types of children described in the Bombay Children Act—destitutes, neglected and victimised children and offenders. All offences committed by children come under its jurisdiction which is a step further from English Law according to which Juvenile Courts may not try cases of homicide.

As regards its competence to deal with cases in which minors are implicated with adults, there is some ambiguity in the Children Act. The procedure in such cases depends on what is most congenial to the way of thinking of the Presiding Officer. A correspondence was started by the Inspector of Certified Schools inviting the opinion of the various Presiding Officers on the subject. Some held that, as it was an undesirable experience for a child to be tried in an adult court, in the interest of the child the case should be tried in the Juvenile Court, and as the presence of adults handcuffed and escorted tends to vitiate the atmosphere of the Juvenile Court, these joint-trials should be heard at different times from juvenile cases.

Others were of the opinion that adults stand to be more severely punished than juveniles, so the case should appear before an adult court where the rights of the adult are more safe-guarded. To avoid the danger of the minor coming into contact with unde-

¹⁰ W. A. ELKIN, *English Juvenile Courts*, p. 295.

sirable adults, the case should be heard at a different time to that of the adult cases.

Indian Juvenile Courts, as mentioned before, are criminal courts, so in cases of young offenders, the procedure of a criminal trial has to be followed but the rules are simplified and the usual phraseology of the adult court is avoided. The magistrate begins by taking the plea of the child, that is, by asking him if what is said of him by the police or on the paper (the charge sheet) is true. If the child does not admit the offence, the case has to be tried and evidence taken until it is proved. The Court then proceeds to collect all the information about the child's home conditions, health, character, etc., from the child himself, his parents who have to be present, but mainly from the Probation Officer who makes the enquiries. If the Probation Officer's report is complete, the case is disposed of in a manner the Court thinks is best suited for the child. If the Probation Officer's report is not complete, or if the child needs medical treatment, the Court postpones the disposal of the case until the report or the medical treatment is completed.

Psychiatric examination is only possible in Bombay where there is a psychiatrist attached to the Juvenile Court on a part time basis.

In cases of destitution and neglect which are put up before the Court on application under the specified sections, or as in the case of begging, loitering, etc., arrested by the police, there is no guilt to be proved, so the Court proceeds straightway with the collection of information. After hearing various witnesses, the Probation Officer's report and the medical report, the court decides what is best for the child. The Court may also reject an application if it thinks it has not sufficient evidence to substantiate it.

Under the Act, children may be represented, but the presence of lawyers is not usually encouraged by any of the Juvenile Courts.

Under the Act, the proceedings of the Juvenile Court have to be *in camera*. Reports may be published in the papers but in any case no particulars may be given. Publicity is to be avoided because it has a bad psychological effect on the child. Apart from that, the danger of giving the Press uncensored access to the Juvenile Court lies in the fact that Press reporters are apt to get the wrong angle on the Juvenile Court in order to sensationalise events. "Child sentenced for ten years for theft of shoes" would make a good heading for a Sunday paper. But when it is known that a child is "sentenced" to a school with the idea of educating him and that com-

mittal to a school depends on the child's home circumstances, it reads differently.

Yet, if sincere reports could be made, the Press would serve the useful purpose of educating the public in Juvenile Court aims.

The Press could also bring to light undesirable decisions and offer constructive criticism, and the fact that their work is being observed would keep the Juvenile Court personnel up to the mark.

An important provision in the Bombay Children Act is Section 48: "When a child is found to have committed any offence, the fact that he has been so found shall not have any effect under Section 75 of the Indian Penal Code, or Section 565 of the Code of Criminal Procedure 1898, or operative as a disqualification for office or election under any law."¹¹

The words, "found to have committed" and "found," were substituted for "convicted of" and "convicted" in 1936, when an amendment in the Children Act did away completely with the words "conviction" and "convicted" throughout the Act. Upto 1936, the police, according to routine, used to take the finger-prints of children, but after the amendment in 1936, the practice was ordered to be discontinued. Therefore, though the Juvenile Court is a criminal court, there is no conviction in the strict sense of the term. No stigma attaches to an individual for his appearance before a Juvenile Court and he is able to continue in life with a clean bill.

CHAPTER II

DESCRIPTION OF THE MATERIAL

THE material studied consists of the cases which came before the Juvenile Court, Poona, from June 1935 to March 1940¹

A report of the home and family circumstances was presented to the Court in each case. These reports form the chief basis of the thesis, the information being obtained direct from the original records filed in the Office of the Poona District Probation and After-Care Association.

Post-disposal history of children committed to institutions or otherwise disposed of but residing in Poona, was traced in as many cases as possible. The history of children committed to institutions in Poona was obtained directly from the files of the institutions; of children committed to institutions out of Poona, from replies to letters asking for information, sent to the heads of the institutions; of other children, from personally instituted enquiries.

The cases are grouped year by year as their files were grouped by the Probation Officer in charge. For the years 1935, 1936, 1937, the files were grouped according to the calendar year; after that, the Juvenile Branch having insisted, the files were grouped according to the financial year, April to March. The cases for 1938-39 are those, therefore, that were entered from January 1938 to March 1939, a period of fifteen months, and for 1939-40 from April 1939 to March 1940.²

TABLE 1

Cases Examined	In 1935	In 1936	In 1937	In 1938-39	In 1939-40	Total
Total Number of Cases	35	117	158	270	326	906
Number of Cases Missing	16	7	7	27	27	84
Number of Cases Found to Be Overage	3	5	5	13	8	34
Number of Cases Reported, Etc.	—	—	—	6	5	11
Actual Number of Cases Examined	16	105	146	224	286	777

¹ The statistics are based on these cases, but all the observations made are not derived from the statistics alone. The Juvenile Court has been attended upto the present and those cases which were brought after March 1940 but which seemed of some significance have also been noted. They are cited wherever required.

² For the sake of convenience, the short period of June 1935 to December 1935 will be referred to as the year 1935, and the period of fifteen months from January 1933 to March 1939 as the year 1938-39.

According to the register kept by the Association, the number of cases from June 1935 to March 1940 should have been 906, but as Table I indicates, the files of some cases were missing; some cases were found to be above the age limit specified by the Bombay Children Act and transferred to adult courts and some entered twice through error or because the child was a repeater. So the actual number of cases studied is 777.

In Table I, it can be seen that each year shows a definite rise (even taking into account the fact that the year 1935 consists of only six months and the year 1938-39 of fifteen months). This rise is not due to any considerable increase in delinquency but, what seems more probable, due to a greater awareness on the part of the police of the contents and the purpose of the Bombay Children Act and the growing efficiency of the Association entrusted with the practical application of the Act. To confirm what has been said, by 1939-40 work under the Children Act was well under way and the two years following show practically level figures: 1939-40, 326; 1940-41, 313; 1941-42, 308.³

Of the 777 cases studied, a classification according to whether they were brought under Part II as destitute and neglected or under Part III as victimised or under Part IV as offenders is given in Table II.

According to the Table only 33.8 per cent of the cases are cases of delinquency, whereas 66.2 per cent are cases of destitution and neglect and victimisation.⁴

TABLE II

Cases Under	In 1935	In 1936	In 1937	In 1938-39	In 1939-40	Total	Per Cent
Part II B. C. A.	3	34	97	144	206	484	62.3
Part III B. C. A.	—	—	—	9	21	30	3.9
Part IV B. C. A.	13	71	49	71	59	263	33.8
Total	16	105	145	224	286	777	100

³ The next two years show high figures: 1942-43, 477; 1943-44, 600.

The rise may be explained by the fact that in 1942, with the evacuation of Burma, the war came nearer India and crime and destruction increased correspondingly.

⁴ The preponderance of destitute and neglected and victimised children over delinquents is shown also in the Annual Reports of the Poona District Probation and After-Care Association for later years. The figures, from the Reports for the respective years, are given below:-

Year	Parts II & III	Part IV
1940-1941	196 (62.6%)	117 (37.4%)
1941-1942	194 (63 %)	114 (37 %)
1942-1943	338 (70.9%)	139 (29.1%)
1943-1944	429 (71.5%)	171 (28.5%)

Thus, much of the time and energy of the Poona Juvenile Court is spent on protective work. A fact commented upon also by Mr. MANSIARDT in his study of juvenile delinquents in Bombay. "During the period 1926-1937, 52.2 per cent of the total cases were cases calling for the protection of children, as against 47.8 per cent of cases of delinquency. In the year 1937—the year selected for intensive study—65.5 per cent of the total number of cases were protection cases and but 32.7 per cent cases of delinquency. A large amount of the time of the Juvenile Court in Bombay is thus taken up with cases, which in a number of American cities are dealt with by social agencies direct, without access to the courts."⁵

Part II cases show an increase every year and by far outnumber the other cases in the later years; not because there was any increase in the incidence of general destitution, but perhaps because with the better working of the Act, more cases became known.

Under Part II of the Act various types of children are brought in as destitute under Section 7(1) (a), which authorises a police officer or any other person given power in this behalf to take into custody any child who "has no home, settled place of abode or visible means of subsistence, or has no parent or guardian who exercises regular and proper guardianship."⁶ Under one head are grouped together children of unfit guardians, beggars, those that have run away from their homes or schools, orphans and semi-orphans and miscellaneous cases like lost children, and sometimes an overzealous policeman brings to court a "destitute" who not only has parents but to the bewilderment of the magistrates, about half a dozen relatives—uncles and aunts and their infants, who flock to the Juvenile Court, all eager to explain that the child had only been sent to buy something from the market or was carrying his father's mid-day meal!

In the detail Tables, to give a clearer idea of the different types of cases, those under Sec. 7(1) (a) will be divided into beggars, children running away, and destitutes and semi-destitutes, that is, those who have no parents and those whose parents apply for help due to poverty; children of unfit guardians will be grouped with the various "moral danger" cases because in all these the rights of parents are involved; and the rest will be grouped with other miscellaneous cases.

Part III of the Act, which deals with victimised children and adults who victimise them, though in force since 1935, seems to

⁵ *The Delinquent Child*, pp. 21, 22.

⁶ *Ibid.*, p. 6.

have been a dead letter until 1938-39 and then applied very sparingly. Annual reports of the Poona District Probation and After-Care Association show this to be the case even in later years.⁷ And what is true of Poona may be said to be true of the mofussil areas of the whole Province. During the year 1940-1941, for instance, 183 cases were charged under Part III of the Act, in the Province of Bombay. Of these 164 were reported from the City of Bombay and only nineteen reported from the other parts of the Province.⁸

Especially those sections which deal with victims of sex offence are the most neglected. Of the thirty cases for the period 1935-40, nineteen were victims of cruelty, ten exploited for begging purposes and only one victim of sex offence. This failing has often been criticised in the *Annual Reports of the Juvenile Branch on the Administration of the Bombay Children Act in the Bombay Province*: "Although it was emphasised in the last report that child victims of sex offences falling under Chapter XVI of the Indian Penal Code should be dealt with under Part III of the Bombay Children Act in order that such children may get protective treatment, it will be seen from the figures given above that only one child victim of a sex-offence was dealt with in this manner in the mofussil during the year under report."⁹

An explanation for the low figures for Part III frequently brought forward is that children who should come under Part III are entered under Part II. The reason given is that in a case of exploitation by begging or victim of sex offence, the charge has to be definitely proved against the adult which is usually difficult. If it is not, due to lack of sufficient evidence or some other technical reason, the case has to be discharged. The Court loses control of the child who is thus deprived of all beneficial treatment. So instead, the child exploited for begging is brought in as a destitute under Section 7(1) (a) and victims of sex offence, under the broad Section 7(1) (f) as those "otherwise likely to fall into bad associa-

⁷ The figures taken from the reports for the respective years are:

Year	Total Number of Cases	Number Under Part III
1940-1941	313	11 (3.5%)
1941-1942	308	3 (1 %)
1942-1943	477	12 (2.5%)
1943-1944	600	1 (.2%)

⁸ *Annual Report of the Juvenile Branch on the Administration of the Bombay Children Act in the Bombay Province, 1940-41, pp. 28, 29.*

⁹ *Annual Report of the Juvenile Branch on the Administration of the Bombay Children Act in the Bombay Province, 1940-41, p. 5.*

tion or to be exposed to moral danger or to enter upon a life of crime."¹⁰ On discussing the subject with some of the people concerned, it was felt that the correct thing to do in such cases would be to charge the adult for exploiting or victimising under Part III and charge the child under Part II, as a destitute or being in moral danger.

As cases under Part III are so few, in all the later Tables they have been included with the destitute and neglected children under Part II, the ten begging cases being grouped with the destitute begging cases.

The alternate rise and fall of offenders is merely accidental and it has to be remembered that the seventy-one cases for 1938-39 have to be spread out over a period of fifteen months. Moreover, in 1938-39, the begging cases were charged under the Indian Penal Code and so were offenders, whereas similar cases at other times were brought as destitutes, under Part II of the Children Act. Since these begging cases are no different from the others, they will henceforth be grouped with other begging cases as destitutes.

Further, under Part IV, there are twenty-two gambling cases. On studying the files of these children it was found that most of them were caught watching gambling and were invariably mixed up with adults who had, if not actually induced them, shown no objections to their joining them! It was felt, therefore, it would be more appropriate to class them with the uncontrollable, exploited and likely-to-go-wrong children rather than with offenders, when considering other factors.

The exclusion of gambling cases and 1938-39 begging cases makes the percentage of delinquents even less—29 per cent as against 71 per cent destitutes and neglected children.

A more detailed description according to the cause of arrest and sex is given in Table III. Figures in bold in this Table and in all the others indicate girls.

What is most apparent in Table III is the difference between the number of boys and the number of girls, the ratio being about 5:1 when the ratio of the total male population to the total female population in Poona is about equal.

It should be noted that though the ratio of total destitute and neglected boys to total destitute and neglected girls is about 4:1, it varies considerably according to the nature of the case. Cases in which the child himself is passive, like "Parents Convicted," "Desti-

¹⁰ Ibid. p. 5.

lute," etc., show a ratio of more or less two boys to one girl—cases involving moral danger and cruelty being on the other hand two girls to one boy. The difference between the sexes appears very markedly in those cases which call for action on the part of the child himself, like "Running Away" or "Uncontrollable." For "Gambling" the girls are absent altogether. Sex, therefore, is a determining factor in certain types of destitution and neglect under present circumstances.

TABLE III

	In 1935	In 1936	In 1937	In 1938-39	In 1939-40	Total	Proportion of	
							Girls	Boys
Theft	—	2	2	2	5	11	to	—
Breaking & Entering	11	49	35	38	43	176	—	—
Sex Offence	—	8	2	2	3	15	—	—
Serious Offences	—	1	1	—	—	2	—	—
Miscellaneous	—	7	3	4	3	17	—	—
Total Offenders	11	65	41	45	50	212	1	16
Gambling	2	3	5	8	4	22	—	—
Uncontrollable	—	1	—	1	—	2	—	—
Victims of Cruelty & Sex Offence	—	4	—	9	12	29	1	14
Unfit Guardians & In Moral Danger	—	—	—	3	—	3	2	1
Parents Convicted	—	4	6	4	17	31	2	1
Destitute	—	3	5	3	—	11	—	—
Begging	1	5	3	6	1	12	1	1
Running Away	1	1	9	20	13	20	1	3
Miscellaneous	1	3	1	10	20	50	1	2
	1	1	3	10	54	71	1	2
	1	11	57	83	3	8	1	27
	—	1	4	7	9	21	1	5
Total Destitute & Neglected	5	10	16	33	57	116	1	4
Total	Girls	13	19	35	62	129	—	—
	Boys	16	92	127	189	648	1	5
Grand Total		16	105	146	224	777	—	—

With reference to offenders, the ratio is about sixteen boys to one girl. This disparity between boy and girl offenders is typical of all countries, but in the Western countries the difference is inclined to be much less. Here the difference is more, perhaps because Indian girls are usually kept busy at home and so are less exposed to the temptations of the streets.

The serious offences committed by the girls and boys are interesting. Of the boys: One, a hot tempered lad of about fourteen

years attacked another boy upon provocation with a weapon he happened to possess, causing serious injuries which eventually resulted in death. The other, a boy of fifteen years, had a long-standing quarrel with a neighbour's son and one day, upon being teased, threw an open pen-knife with which he was sharpening his pencil at the boy, inflicting a slight wound. Both the offences were committed in a fit of temper without any intent to kill.

Of the girls: One, a Rajput girl of about fifteen years, strange as it may seem, bore a child one night in the bathroom without any of the inmates of the house being aware of it, and disposed of it down the drain because it was illegitimate. The offence was discovered because the drain was blocked and a plumber had to be called in the next morning. The other, a Maratha girl of fourteen, tried to poison her husband one day because ten days previously he had given her a beating.

The chronological ages of all four children are about the same, but the offences committed and the reasons for committing them show the girls to be psychologically much older than the boys. At fourteen and fifteen years, boys are still children leading irresponsible lives whereas Indian girls at that age are usually married and have some experience of life. Even if they are not married, they are familiar with the duties and responsibilities of adult women, for they help with the house work and it automatically devolves upon them to look after the younger brothers and sisters.

Another thing noticeable is the scarcity of sex offences. This may be accounted for by the fact that Indian girls and boys do not, as a rule, have much opportunity of coming into contact with each other. Besides girls are still married off quite early which, though it may lead to other maladjustments, checks sex delinquency.

Amongst offenders, the greatest number (83 per cent) are cases of theft. A list of articles stolen shows that the chief items are money or articles easily convertible into money like utensils, ornaments, scrap metal, cycle accessories, etc.

ARTICLES STOLEN

Cycles	Cycle Accessories	Watches	Money	Ornaments	Utensils	Scrap Metal	Clothing & Shoes	Fountain-Pens	Cameras	Spectacles	Soap	Cigarettes	Account Books	Food	Coal	Railway Tickets	Birds & Animals	Miscellaneous	Total
1	—	1	1	3	—	3	—	—	—	—	—	—	—	2	—	—	—	1	11
10	15	13	19	16	19	14	14	3	1	2	3	1	5	3	2	1	5	30	176

It has been found that, with a few exceptions like the lad who stole a camera because he was fond of photography, and one who stole a muffler and a blanket from a railway porter because he was feeling cold, a lad who stole some cigarettes, comb, etc., children seldom steal an article because they really need it or find it attractive. Even the girls stole ornaments with the idea of selling them.

It will be noticed that theft of food is scarce. Only five children stole food and none of them because they were hungry. Even the money the children stole or the money they got from the sale of the stolen articles was rarely spent on food as such; only seven children gave their motives as "wanted money to eat." A factor which has to be borne in mind, because, as will be shown later, most of these children come from very poor homes.

Due to insufficient information in the files, the motives of theft of a large percentage of children are not known and a large percentage have to be classified as "wanted money for no definite reason." Whatever information is to be had is given in the Table below which, though scanty, bears out the fact that the motives of children are very different from the motives of adults.

MOTIVES FOR COMMITTING THEFT

Wanted the Article	Wanted Money to Go to the Pictures	Wanted Money to Travel	Wanted Money to Eat	Wanted Money to Gamble	Wanted Money for Various Reasons	Wanted Money for No Definite Reasons	Happened to Find the Article	No Intention of Stealing a Mistake	Asked by Someone	No Reason Given	Total
3	—	—	—	—	—	5	—	—	2	1	11
7	7	8	7	1	7	62	6	4	16	51	176

A child is not as a rule deprived of the bare necessity—food. But he does hunger for what may be termed luxury items like good things to eat, scented soap or oil or a brightly coloured article, a cinema show—something that will break the monotony of his life.

Whatever the primary motive for committing theft, some of the money is usually spent on a cup of tea, a greatly favoured beverage, or sweets or *bhaji*,¹¹ a very natural procedure for children who eat the same unappetizing food from day to day, specially when it is remembered that even children in better circumstances crave for them. A little boy who had tried to run away from school was asked why he did so. His reason was that he wanted to eat *bhaji*. And this was one of those schools which gave the children ample, wholesome food

¹¹ Spicy fritters made of pulse flour, popular with all Indians.

A child steals to go to the cinema because there are no proper facilities for his recreation and he must have some form of amusement to enliven his drab existence. The more adventurous steal to be able to take a trip to one of those places which the railway posters used to invite you to see!

The reason of some of the children for committing theft as shown in the Table, was that they had been asked by someone else, usually an adult. This exploitation of children by adults is much more serious than indicated in the Table and will be discussed later.

Sometimes, as is the case with many of the breaking and entering offences, the very act of committing an offence is sufficient recreation in itself. A gang of boys decided to have some fun at the expense of a crochety old woman who had made herself very unpopular. One night they broke into her house and stole a whole lot of pots and pans which left the old woman in a fit. To show that there was to be no further ill feeling, the boys themselves reported to the police next morning and almost all the stolen property was restored!

Because going to the cinema is one of the popular ways of spending stolen money, it has come in for a lot of criticism. In the first instance, for acting as an incentive to children to steal, and secondly, specially the gangster films, for fostering false ideas of crime and the criminal in their impressionable minds.¹²

As regards the first accusation, WINIFRED A. ELKIN says: "It is doubtless true that much of the money stolen by children is used in this way, but even in these cases, to blame the cinema does not get to the root of the matter. If a child steals for this purpose, either it implies the existence of a considerable degree of discontent with what the world has to offer him and envy of others with more opportunity for amusement, or it means that he is craving for excitement and a way of escape from his own troubles."¹³

As regards the second, the Russian attitude is interesting. "In 1937, the film, 'Chapaev,' was shown to children as well as adults. Chapaev is a great hero of the Revolution, an astonishing horseman, and a superb marksman with a rifle. Boys of nine and onwards were thrilled by Chapaev, obtained pistols, climbed on to the flat

¹² There was an Indian film recently in which the hero was a delinquent child who grew up to be a romantic habitual thief. He kept the mighty police guessing at his daring exploits and endeared himself to the public by bringing all he stole to the beautiful lady of his choice. But the criminal thought better of it in the end and there were tears of repentance and forgiveness all round which perhaps helped the film to escape the censor's eye!

¹³ *English Juvenile Courts*, p. 14.

roofs on which washing hangs, and shot at the surrounding windows. Moscow experienced an epidemic of broken windows. Since the attitude of Soviet authorities is never to punish children, but always to redirect their energy into creative channels, the Central House of the Arts Education of Children was given the task of dealing with this outbreak. The staff devised suitable games where the children could practise their shooting, and the best shots received the title of Chapayev."¹⁴

Though there have been cases of children stealing ornaments worth Rs. 700 and large sums of money in cash, the articles are generally of little value and often even the worth of the article is not known to the child. One boy was caught trying to sell a pair of fairly new shoes for 2 annas and another a gold watch for 12 annas! Actually, the seriousness of the case does not depend on the value of the article stolen. "It is often the slighter offences that lie most within the scope of a child's deliberate choice and are therefore morally the more blameworthy."¹⁵ Thus the boy who deliberately planned to steal some iron railings was a more serious problem than the boy who happened to find his father's wallet, and took it, having no idea that it contained Rs. 100 or more

Usually children do not keep the gains to themselves unless the amount is a trifle. They like to spend it on their friends. A Maratha boy of thirteen years stole Rs. 51 from his employer and spent a good part of it taking his friends to the pictures, giving them a good feed and buying them new clothes! But there was one very conspicuous case where a child did not share his gains. A Hindu boy of about thirteen years committed a series of thefts amounting to about Rs. 100. Though this boy had sisters and brothers and friends, every time he spent every bit of the money on himself. But this boy was physically ill and showed symptoms of behaviour disorder.

As a rule, thefts are committed on the spur of the moment, because an opportunity presents itself. Premeditated thefts usually disclose an adult in the background, but an outstanding exception is the following case: Two little boys of twelve and thirteen knew that every day at a certain time, a certain shopkeeper left the shop in charge of his daughter. One day the two boys, accompanied by one's elder brother of about sixteen, went along to the shop. One little boy kept the girl in charge busy talking, while the other little

¹⁴ *Educational Supplement*, 11-10-1941, Treating the Young Delinquent. Its Problem and Its Solution in the U. S. S. R., p. 484.

¹⁵ W. A. ELKIN, *English Juvenile Courts*, p. 45.

fellow quietly removed a time-piece from one of the show-cases and the elder brother kept watch!

Table III shows that amongst all cases, those of running away are the most numerous. The motive for running away of 20 per cent of these children was that they had been beaten or feared they would have a beating or thought their guardians unkind or indifferent. About 13 per cent ran away with the idea of finding a job elsewhere, about 26 per cent ran away for the sheer fun of it. Some boys not only ran away themselves but also took along their friends with them and played the generous host at their guardians' expense!

To these boys out for pleasure or job hunting, a big industrial city like Bombay offers untold attractions, and more than half of them were caught either on their way to, or back from, Bombay. Here, too, the motives of a large number of children are not known.

MOTIVES FOR RUNNING AWAY

For the Fun of it	Was Scolded	To Look for a Job	Various Reasons	No Reasons Given	Total
1 57	4 41	— 28	1 13	2 75	8 214

The uncontrollable cases are children brought to the Juvenile Court by their own parents because they are of so unruly a character as to be unmanageable. Sec. 8, Part II, of the Children Act grants the parents this right to appeal for help in such cases, and if the charge is proved, the child may be sent to an institution. Though few in number, they show an increase every year which, coupled with the fact that some of the destitute and neglected cases came of their own accord for help latterly, goes to show that the parents and the children were beginning to avail themselves of the help offered by the State, and not think of the Juvenile Court as a "Child Snatching Agency"—the English equivalent of the Marathi name by which it was known in some quarters of the town, at first!

Also, some children arrested for begging or being on the streets were so anxious not to be sent home again that they concealed their identity until they were assured that they would be sent to school. One boy took no chances whatsoever. Only after he was well settled in a Certified School did he reveal the truth to the School Superintendent.

What has to be guarded against in uncontrollable cases is that parents sometimes bring children as uncontrollable not because they mean well by them but because they want to have them out of their way for personal reasons. A little Muslim boy of about ten years was brought by his father as uncontrollable. According to the father the boy moved about in bad company, smoked *bidis*,¹⁶ drank *toddy*¹⁷ and committed petty thefts. Enquiries showed that the boy's mother was dead; his step-mother had run away about a month ago; and his young brother had been given away to some man by his father. The boy's story was that his father wished to get rid of him because he wanted to get married again, which seemed quite probable considering what the enquiries revealed. Besides, the boy's behaviour in the Remand Home was good and the neighbours did not speak too badly of him. But for his own benefit the child was sent to an institution because with such a father he would have been badly neglected.

AGE

A further classification according to age follows in the graph and the Table on the next page.

The Table and the graph show that the peak ages for total delinquency are 13 years and 14 years. When girls and boys are considered separately, the curve for boys follows the total curve very closely and the peak ages are 13 and 14 years. For girls, though the general trend is the same, the peak ages are 12 and 13. The most dangerous years for boys for theft are 13 to 15 years and for running away 13 and 14 years; the most dangerous years for girls in moral danger are 14 and 15, begging is most common amongst girls and boys from 9 years to 13; boys are most uncontrollable at 10 years, though the age group 12 to 15 contains more than half the total number. The largest number of destitutes are one year and under, perhaps because babies are most liable to be abandoned at this early age. Ten out of the fourteen cases were found abandoned by the wayside or in a hospital. It should be noted that the total number of destitute and neglected children at each age is greater than the total number of offenders.

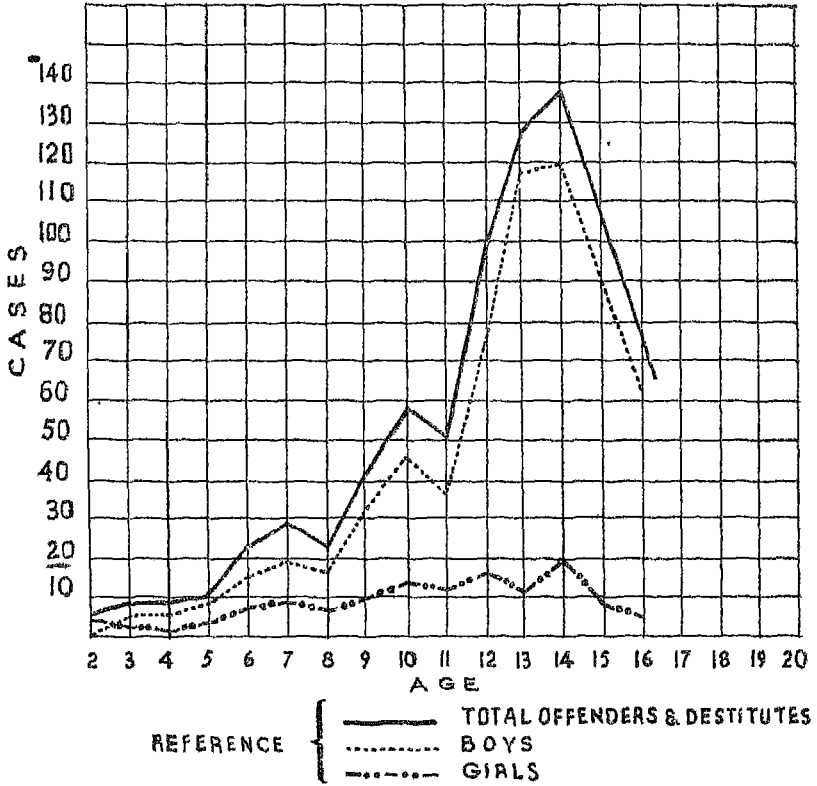
HEALTH

It was mentioned in the previous chapter that every child remanded has to be medically examined. The information about the physical condition of the children happens to be rather scanty. Now

¹⁶ Cheap tobacco rolled in some dry leaves.

¹⁷ Fermented palm milk.

CASES ACCORDING TO AGE



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CASES ACCORDING TO AGE

	About 1 year & under	About 2 years	About 3 years	About 4 years	About 5 years	About 6 years	About 7 years	About 8 years	About 9 years	About 10 years	About 11 years	About 12 years	About 13 years	About 14 years	About 15 years	About 16 years	Total
Theft	—	—	—	—	—	—	2	3	1	—	—	2	2	4	1	1	15
Breaking & Entering	—	—	—	—	—	—	—	—	2	3	11	25	31	35	39	24	176
Sex Offence	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—	—	1
Serious Offences	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—	—	2
Miscellaneous	—	—	—	—	—	—	—	—	2	1	2	1	3	3	1	3	17
Total Offenders	—	—	—	—	—	—	2	3	5	4	13	27	37	48	43	30	212
Gambling	—	—	—	—	—	—	—	—	—	—	—	1	9	3	7	2	22
Uncontrollable	—	—	—	—	—	—	—	—	—	1	7	1	4	5	4	2	29
Victims of Cruelty & Sex Offence	—	—	1	—	—	—	—	—	—	1	—	1	—	3	—	1	7
Unfit Guardians & In Moral Danger	1	—	—	—	—	3	—	2	3	2	3	1	1	6	6	2	31
Parents Convicted	—	1	2	1	1	—	4	1	—	2	—	—	1	—	—	—	11
Destitute	—	1	1	1	1	1	4	—	2	—	—	—	1	1	—	—	12
Begging	5	—	—	1	1	1	3	—	1	2	1	5	1	—	—	1	20
Running Away	9	—	—	1	1	1	7	—	4	1	2	1	3	4	6	3	50
Miscellaneous	1	2	—	1	1	2	2	3	4	5	4	5	4	—	—	—	33
	1	—	—	—	—	—	1	1	9	10	14	24	43	48	29	19	71
	—	—	—	—	—	—	—	—	1	1	1	1	—	3	1	—	8
	—	—	—	—	—	—	2	6	1	9	10	14	24	43	48	29	214
	1	—	1	—	—	1	1	1	—	1	—	—	4	4	—	1	4
	—	—	—	—	—	—	—	—	2	2	3	—	—	—	—	—	21
Total Destitute & Neglected	5	4	3	3	3	7	8	7	8	12	10	14	8	13	7	4	116
	12	—	3	4	7	14	17	12	25	40	25	50	80	70	48	29	436
Total { Girls	5	4	3	3	3	7	8	7	9	12	10	16	10	18	9	5	129
Boys	12	—	3	4	7	14	19	15	30	44	38	77	117	118	91	59	648
Grand Total	17	4	6	7	10	21	27	22	39	56	48	93	127	136	100	64	777

the position is different, but during the period covered by the 777 cases, the District Association had no arrangements for medical examination by its own physician. The children were sent to the general hospital and examination tended to be superficial. As such only grave malnutrition and advanced diseased conditions could have been noticed. It may be stated however that the Table gives the children a fairly clean bill of health.

Even making allowances for a superficial examination, the number of cases suffering from venereal diseases is very small: only 19 out of 777, that is 2 per cent. And earlier it was pointed out that sex offence was rare. The percentage of cases with venereal diseases is higher in Bombay as would be expected. According to the Chil-

HEALTH

DISEASES									DEFECTS						
Malnutrition	Skin Diseases, Scabies, Ring- worm, etc.	Venerical Diseases	Malaria	Tonsillitis	Hernia	Epilepsy	Dropsy	Miscellaneous	Defective Vision	Cripple	Blind	Mute	Stammer	Miscellaneous	Mentally Deficient
13 38	3 18	5 14	— 7	— 3	— 2	1 —	— 1	— 4	1 11	1 3	1 2	— 2	— 1	1 2	3 12

dren's Aid Society Report for 1940-41, 5 per cent of the 1549 children admitted were found to be so diseased.¹⁸

About the mental condition of the children no information is available, because there is no child guidance clinic attached to the Poona Juvenile Court. For preliminary inquiries, one of the particulars to be noted is the mental condition of the child, but the information is confined to those cases obvious to the layman. According to this information fifteen children only were mentally deficient.

CASTE

Study according to caste reveals that the largest number of children are Hindus. That is natural, but the Muslims and the Indian Christians are fairly well represented. According to the Table about 72 per cent are Hindus, 19 per cent Muslims, 8 per cent Indian Christians and 1 per cent the Rest, whereas according to the Census Report, 1941, the total population in Poona and Kirkee consists of 79 per cent Hindus, 12 per cent Muslims, 4 per cent Indian Christians and 5 per cent the Rest.

A probable reason for the larger number of Muslims and Indian Christians may be that the situation of the Juvenile Court makes it more accessible and better known to the people in the Cantonment; and according to the Census Report, 1941, 88 per cent of the population in the City and 77 per cent of the population in the Suburban area are Hindus, but in the Cantonment the percentage is only 49.

For offenders alone there are 79 per cent Hindus, 13 per cent Muslims and 8 per cent Indian Christians; for destitute and neglected children, 70 per cent Hindus, 21 per cent Muslims, 8 per cent Indian Christians and 1 per cent the Rest. Thus the proportion of Muslim offenders is in keeping with the proportion in the total population, but the proportion of Muslim destitute and neglected

¹⁸ Page 74.

CASES ACCORDING TO CASTE

	HINDUS															NON-HINDUS					
	Brahmins and Prabhu	Agriculturists: Marathas, Kunbis, Etc.	Artisans: Sonar, Sutar, Lohar, Etc.	Occupational Classes: Vani, Salt, Telh, Etc.	Haridjans, Mahars, Mangs, Meheters, Etc.	Occupational Nomads: Kalkadi, Dhargar, Etc.	Kolhali, Gondhali, Etc.	Aboriginal Tribes: Mang-Garudi, Parbhi, Etc.	Religious Mendicants: Gosavi, Etc.	Rajput	Pardeshi	Marwadi	Gujarati	Madras & Malabar	Lingayat	Other Hindus	Total Hindus	Muslim	Indian Christian	Others	Total
Theft	1	2	1	1	3	1	1	2	2	5	2	3	1	4	2	1	11	26	14	—	176
Breaking & Entering	20	37	6	14	32	9	1	1	1	1	2	3	1	1	—	—	12	3	—	—	176
Sex Offence	1	1	1	1	3	1	1	1	1	1	1	1	1	1	—	—	2	3	—	—	15
Serious Offences	1	1	1	1	1	1	1	1	1	1	1	2	1	1	—	—	2	1	—	—	2
Miscellaneous	1	1	1	3	1	1	1	1	1	1	2	1	1	1	—	1	1	1	4	—	2
Total Offenders	23	43	8	17	39	9	1	2	2	5	3	5	1	5	2	1	13	30	18	—	212
Gambling	1	7	1	3	1	1	1	1	1	1	1	1	1	1	1	1	15	3	2	—	22
Uncontrollable	3	4	1	3	1	1	1	1	1	1	1	1	1	1	1	2	15	9	2	3	29
Victims of Cruelty & Sex Offence	1	1	1	1	1	1	1	1	1	1	2	1	1	1	1	1	1	2	—	—	31
Unit Guardians & In Moral Danger	2	4	1	1	1	2	1	1	1	1	1	1	1	1	1	1	16	3	1	—	14
Parents Convicted	4	1	1	1	2	1	1	1	1	1	1	1	1	3	—	1	4	3	8	—	11
Destitute	2	4	1	4	9	2	1	1	1	1	1	1	1	3	1	1	15	7	2	—	50
Begging	3	1	1	2	13	7	4	4	3	1	1	1	1	2	2	4	31	11	1	—	33
Running Away	18	23	5	18	11	13	1	5	2	1	3	1	1	15	18	5	60	11	6	—	71
Miscellaneous	1	3	1	3	3	2	1	1	2	1	1	1	1	1	1	1	3	68	1	—	214
Total	39	52	5	31	51	22	7	14	3	2	2	2	2	4	1	3	84	11	15	6	116
Destitute & Neglected	10	16	1	8	26	14	7	7	8	3	2	7	3	4	1	3	97	11	15	6	129
Total { Girls Boys	58	93	13	48	90	51	7	15	9	7	8	7	3	28	21	21	454	134	44	6	648
Grand Total	68	111	13	56	116	45	7	22	12	10	7	3	3	32	25	24	561	145	59	12	777

and not sufficient for the needs of the Province itself. In the second place, these children educated so far from their homes, outside their own cultural areas and language, forget their own culture and do not quite assimilate the new, the result not being very constructive.

Moreover these children are a considerable drain on the exchequer of the Juvenile Branch, which can ill afford it. According to the report of the Juvenile Branch for the year 1940-41, there were at least 200 "foreign" children being maintained in nine Certified Schools alone. As there are about double the number of Certified Schools, the number of children maintained by the Bombay Government must have been much more.

From the Table it will be seen that only 3 per cent of the children belong to Bombay in spite of Bombay being within easy reach of Poona. The explanation is, perhaps, that Bombay being a large city has a greater fascination for children than Poona. Children from Bombay seldom wish to leave it, and children from all parts of the country, as was pointed out earlier, are drawn to it.

Within the Presidency, the children do not present much difficulty if they come from districts where the full Act is in force, but there are still six districts to which Parts II and III of the Act are not applied.

With children who come from the districts where the full Act is in force, the usual procedure is to transfer these cases to the Association doing Children Act work, in those districts. A lot of unnecessary delay is sometimes caused by the fact that a transfer cannot be made without first securing the consent of the Association to which the child is to be sent. A case from Sholapur was completely held up because the Probation Officer appointed by the Sholapur Association refused to admit it. A boy belonging to the Criminal Tribes had run away from the Sholapur Settlement; the Poona Juvenile Court wished to transfer the case to Sholapur but the Probation Officer there refused and advised the Poona Juvenile Court to make the necessary enquiries directly and restore the child, if it thought fit, under supervision of the Manager of the Sholapur Settlement! And it is understood that enquiries can be made much better by people on the spot than by correspondence.

It should be noted that only 47 per cent of the total destitute and neglected children and as much as 75 per cent of the total offenders are local children, but still the number of destitute and neglected children in Poona is greater than the number of offenders.

SEASONS

The incidence of delinquent, destitute and neglected cases for the different seasons is given in the graph and following Table.¹⁹

CASES ACCORDING TO SEASONS

	April	May	June	July	August	September	October	November	December	January	February	March	Total
Theft	19	11	9	17	16	21	18	16	12	13	11	4	157
Breaking & Entering	—	—	1	—	1	4	2	—	1	2	—	—	11
Sex Offence	—	—	1	—	1	—	—	—	—	—	—	—	3
Serious Offences	—	—	—	1	—	—	—	—	—	—	1	—	2
Miscellaneous	2	1	1	—	1	—	—	1	3	—	3	2	14
Total Offenders	21	12	12	17	19	25	20	18	16	15	15	6	186
Theft	3	1	4	2	3	—	3	—	—	1	3	—	20
Uncontrollable	—	—	—	—	2	—	—	—	—	—	—	—	2
Victims of Cruelty & Sex Offence	3	5	3	1	3	3	1	—	1	5	2	2	29
Unfit Guardians & In Moral Danger	—	—	1	2	—	1	—	2	—	—	—	—	7
Parents Convicted	4	2	4	3	2	3	6	2	1	1	—	3	31
Destitute	—	4	—	—	—	—	4	1	1	2	—	1	14
Begging	1	3	—	—	—	2	—	1	—	—	—	—	8
Running Away	5	1	3	1	4	—	1	2	2	5	—	2	20
Miscellaneous	7	8	—	2	5	8	1	6	1	7	1	11	49
Total	8	12	4	1	8	1	3	4	3	8	9	7	33
Destitute & Neglected	28	24	15	25	24	15	13	2	6	4	11	43	210
Total	3	4	1	—	2	—	—	—	1	1	2	6	20
Total	12	16	8	10	17	6	7	9	6	10	2	10	113
Total	51	50	30	34	46	29	26	14	15	28	29	71	423
Total	12	17	8	12	18	7	8	10	8	10	6	10	126
Total	72	62	42	51	65	54	46	22	31	43	44	77	609
Grand Total	84	79	50	63	83	61	54	32	39	53	30	87	735

According to the graph, no particular month is consistently high but the months November, and with one exception, December, and June are consistently low. In general it may be said that the hot season from March to May usually has a high peak—the peak in March 1939 being the highest from 1935 to 1940. The number of cases during the rainy season June to October is also fairly high, though the month of June is low. The winter months, November

¹⁹For this Table, only cases appearing from April 1936 to March 1940 have been taken into account, so that each month may be represented an equal number of times.

to February, usually have the lowest number of cases, though in January or February it is inclined to rise slightly. The winter months have a low rate perhaps because winter is a season of comparative ease for the cultivator. The harvest is collected, there is plenty to eat and a care-free, happy atmosphere prevails in people's homes, so the children are not inclined to run away or commit theft.

It may be thought that the seasonal variation is governed by the school calendar; that during the vacation months delinquency is inclined to rise. But this cannot be because education is not compulsory in India and the percentage of children in school, as will be shown later, is very small.

Turning to the Table, the months March to August have more cases of running away than of theft and breaking and entering, and the months September to February, more thefts and breaking and entering than running away. Begging is highest in April, May and August months, when various tribes go begging from town to town because there is not much work to be done in the fields. Every month the total number of destitute and neglected children is greater than the total number of offenders.

The results arrived at from the Table have to be viewed with caution, however, because when theft, running away and begging are followed year by year, the figures do not rise or fall, according to the months, consistently each year. For begging there may be an explanation. At certain festivals, it is customary for the rich people to give food and clothing to beggars. At such times begging would increase. These festivals are calculated according to the lunar calendar and so do not fall in the same month of the current solar calendar every year.

But the cases would have to be followed over a longer period before drawing any definite conclusions.

GANGS

It is supposed to be a feature of juvenile delinquency that more than one child is usually involved in the same offence. According to MANSHARDT, a delinquent act is a "companionship affair."²⁰ In the five American studies quoted by him, the percentage of offences committed by single delinquents does not exceed 30. In fact in one of them, offences committed by single delinquents are only 10 per cent and companionship affairs 90 per cent. An enquiry into delinquency in Liverpool for the years 1934 and 1936 revealed that "in 1934, 27 per cent of the male offenders committed their offence

²⁰ *The Delinquent Child*, p. 49.

alone, while 54 per cent were in groups of three or more; in 1936 these proportions were 26 and 53 per cent respectively."²

Under the influence of groups, children are supposed to engage in escapades which would not be attempted by any one alone, for instance the case where a number of boys got together to teach the old woman a lesson or where three boys relieved the shopkeeper's daughter of a time-piece. On the whole, however, groups do not seem to play a considerable role in delinquency in Poona as is evident from the figures given for theft and breaking and entering, and also begging and running away, since these may be considered a form of delinquency.

For theft and breaking and entering and running away, even amongst cases of companionship affairs, organised "gangs" as such are extremely rare; though there was one group of five children and another group of four who were brought in for theft, the children were mostly in twos.

INDIVIDUAL OFFENCES & "COMPANIONSHIP AFFAIRS"

	No. of Children in Individual Offences	%	No. of Children in Companionship Affairs	%	Total
Theft and Breaking & Entering	136	67.	66	33.	202
Begging	48	46.	56	54.	104
Running Away	147	66	75	34	222

For begging it is slightly different. As will be pointed out, very few children are sent to school. So those who belong to poor homes are sometimes sent out to beg, to supplement the meagre income of the family. The children, mainly Mahars, Mangs, Kamatis, poor Muslims and the like, collect together and go from street to street, begging for food and money, sometimes accompanied by their mother or old grandmother. At one time the police rounded up a gang of five boys and six girls with a sprinkling of adults! It will also be pointed out that begging is a caste profession with some. The children of these castes also go about begging in groups.

It may be stated that begging is the only type of delinquency where boys and girls are involved together.

² J. A. BACOT, *Juvenile Delinquency*, p. 58.

"COMPANIONSHIP AFFAIRS" AND AGE

	About 7 Yrs and Under			About 8 Yrs About 13 Yrs			About 14 Yrs About 16 Yrs		
	Total No of Children	No in Companionship Affairs	%	Total No of Children	No in Companionship Affairs	%	Total No of Children	No in Companionship Affairs	%
Theft and Breaking & Entering	2	1	—	83	31	37.	117	34	29
Begging	16	13	—	83	42	51.	5	2	—
Running Away	8	2	—	114	36	32.	100	37	37.

As children grow older, the influence of the group is supposed to decline. The present material is roughly divided into three age-groups: pre-school age, about 7 years and under; school age, about 8-13 years; post-school age, about 14 years and over and considered in the Table above.

For theft and breaking and entering, group activities decrease with age; begging is practically confined to the middle age-group; but for running away, group activities increase with age.

INCOME

The economic condition of the homes of children is shown in the Table overleaf. The figures give the total contribution of all the family members staying together. The income grades containing the largest number of children are Rs. 200 B Rs. 300 and Rs. 300 B Rs. 400, but that is in keeping with general economic conditions because, in a recent economic survey of Poona, the very same grades contain the largest number of cases.²² On the whole, children within the income grades below Rs. 500, comprise 66 per cent of the total 777 children. If the No-Income group be included, the percentage would be 72. (The No-Income group consists of children whose parents make their living by begging; those whose parents have sought shelter in institutions for destitutes; those whose parents are convicted and who had no proper means of livelihood before their conviction.) Three-quarters of the children, therefore, come from poor homes and low incomes have often to cover large families. Two brothers, from a village in Buldhana District, were picked up as destitutes in Poona. They came from such a desperately poor home that the parents had been obliged to ask them to go and maintain themselves by begging in the cities. The

family consisted of the parents, two other brothers and a sister. The father could not work because he was ill. The family depended on the mother who made a few annas by making and selling clay figurines and on one of the brothers who was a cowherd. Their total earnings amounted to little more than Rs. 100 per annum. Another boy caught begging, came from a family of eight members, with a total yearly income of less than Rs. 100!

INCOME

	No-Income, Negligible, Etc.	Below Rs. 100 p. a.	Rs. 100—Below Rs. 150	Rs. 150—Below Rs. 200	Rs. 200—Below Rs. 300	Rs. 300—Below Rs. 400	Rs. 400—Below Rs. 500	Rs. 500—Below Rs. 750	Rs. 750—Below Rs. 1,000	Rs. 1,000— Below Rs. 2,000	Rs. 2,000 & Over	No Information	TOTAL
Theft	—	2	2	2	2	—	1	2	—	—	—	—	11
Breaking & Entering	1	12	19	17	31	41	18	15	6	—	2	11	176
Sex Offence	—	1	1	1	—	4	4	1	—	1	—	—	15
Serious Offences	—	—	—	—	1	1	—	—	—	—	—	—	2
Miscellaneous	—	1	4	2	2	1	—	1	1	1	4	—	17
Total Offenders	1	14	24	21	35	47	22	18	8	4	6	12	212
Gambling	—	2	1	4	4	4	2	4	—	—	—	1	22
Uncontrollable	—	—	—	—	2	1	—	—	—	—	—	2	2
Victims of Cruelty & Sex Offence	1	2	3	5	—	2	3	4	1	—	4	—	29
Unfit Guardians & In Moral Danger	—	—	—	—	3	1	—	2	—	—	—	2	7
Parents Convicted	—	2	4	1	5	6	3	1	1	4	—	6	31
Destitute	8	—	1	1	4	1	—	2	—	—	—	4	14
Begging	6	—	1	1	1	—	—	—	1	—	—	4	12
Running Away	14	1	14	—	4	—	—	—	—	—	—	10	20
Miscellaneous	2	6	7	12	2	2	1	—	—	—	—	18	50
Total Destitute & Neglected	33	45	50	46	62	42	31	29	5	4	7	22	116
Total Girls	16	10	18	18	11	12	8	6	3	4	1	22	129
Total Boys	34	59	74	67	97	89	53	47	13	10	13	92	648
Total	50	69	92	85	108	101	61	53	16	14	14	114	777

What adds to the bulk in the lower income grades are cases of begging and destitution, which, by their very nature, are totally absent in the higher grades. Gambling also is absent in the higher grades, due to the fact that the cases that come before the Juvenile Court are invariably those of street gambling, and in well-to-do families gambling would usually be confined indoors.

Theft, breaking and entering, running away, moral danger and ill-treatment, and uncontrollable cases persist in all the grades, though it would appear, to a much lesser degree, in the upper grades. Whether this is true would depend on what percentage of the total population within these income grades the cases represent. There is no data for the total population, but the income analysis of the families in the above mentioned survey would be representative of the economic levels in Poona. The percentages according to the total number of families under the income heads in Table 59, are for theft and breaking and entering:

Below Rs. 200	---	p. a.	5%
Rs. 200 B Rs. 400	----	"	5%
Rs. 400 to B Rs. 750	----	"	5%
Rs. 750 and Over	----	"	2%

For running away, for the four grades: 6%, 3%, 4% and 2%. For moral danger and ill-treatment and uncontrollable cases the figures are too small to give percentages, but it may be mentioned that they are around 1 per cent in all the four grades. Thus there is some difference above Rs. 750, but below that figure, improvement in the economic environment is not followed by a decrease in these cases, which form the chief types of delinquency and neglect to be met with in an Indian Juvenile Court.

Moreover, experience has shown that a child offender from a poor home is brought to the notice of the Juvenile Court almost immediately; but a child offender from a comparatively rich home is brought to the Juvenile Court as an extreme measure. Thus from rich homes, only those children would appear before the Court who have failed to respond to measures taken by the parents themselves.

It may also be pointed out that many runaway cases come from villages where the proportion of poor families would be larger than in the figures given for Poona, and the percentage of children from poorer income grades would so be less. With these facts in mind, it may be argued that the economic environment by itself has little effect on the main categories of delinquency and neglect that appear before the Juvenile Court. Though a much larger number of cases would be required in each category to arrive at any definite conclusions.

"BROKEN" HOMES

The home conditions of the children were studied with the idea of finding out how many children lacked homes with the normal

father-mother relationship. Only physical conditions have been considered; a "break" was the absence of either or both parents or the presence of an extra one. Sickness or moral considerations like parental drunkenness or subtler conditions like incompatibility were not studied.

There is no available data for the general population to determine the exact part played by "broken" homes, but the 777 cases studied show that 54 per cent of the boys and 57 per cent of the girls come from "broken" homes as against 39 per cent of the boys and 37 per cent of the girls from normal homes; the home conditions of the rest not being known.

The proportion of children from "broken" homes is more amongst destitute and neglected children than amongst offenders. Fifty per cent offenders come from "broken" homes and 48 per cent

"BROKEN" HOMES

	Parents Dead	Father Dead	Mother Dead	Parents Divorced or Separated	Deserted by Parents	Deserted by Father	Deserted by Mother	Children of Irregular Unions	Father Married 2 Wives or Mother, a Paramour	Miscellaneous	Total	Normal Homes	No Information	Grand Total
Theft	1	2	—	—	—	2	1	—	3	—	3	8	—	11
Breaking & Entering	15	42	21	2	—	—	—	—	—	—	86	86	4	176
Sex Offence	—	6	4	—	—	—	—	—	—	—	10	5	—	15
Serious Offences	1	4	—	—	—	—	—	—	—	—	1	1	—	2
Miscellaneous	3	5	2	—	—	—	—	—	—	—	1	1	—	2
Total Offenders	2	2	—	—	—	2	1	—	3	—	4	9	—	13
	18	55	27	2	—	—	—	—	—	—	108	99	5	212
Gambling	2	6	3	1	—	—	—	—	—	—	12	9	1	22
Uncontrollable	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Victims of Cruelty & Sex Offence	4	6	8	—	—	—	—	—	—	—	18	10	1	29
Unfit Guardians & In Moral Danger	1	1	1	—	—	—	—	—	—	—	2	4	1	7
Parents Convicted	6	10	5	2	—	—	—	4	2	—	29	2	—	31
Destitute	3	3	4	1	—	—	—	3	2	—	13	1	—	14
Begging	1	3	5	—	—	—	—	—	—	2	10	1	—	11
Running Away	1	1	1	—	—	2	—	—	—	—	4	5	3	12
Miscellaneous	3	5	2	—	—	1	—	1	—	4	15	4	—	20
	17	22	9	1	—	1	—	1	—	7	36	4	10	50
	2	2	6	—	—	2	1	—	2	1	7	25	1	33
	1	1	1	—	—	—	—	—	—	—	26	4	5	31
	30	53	29	6	1	1	—	—	—	—	122	77	15	214
	1	7	2	—	—	—	—	1	—	—	8	1	—	10
	—	—	—	—	—	—	—	—	—	—	10	9	2	21
Total	12	25	18	9	—	—	1	5	2	6	70	39	7	116
Destitute & Neglected	55	98	62	9	2	6	—	5	4	2	243	156	27	426
Total	Girls	14	27	16	3	—	—	1	5	2	74	48	7	129
	Boys	73	153	89	11	2	8	1	5	7	351	255	42	648
Total		87	180	105	14	2	8	2	10	9	425	303	49	777

from normal homes and 56 per cent destitute and neglected children come from "broken" homes and 35 per cent from normal homes. This is natural because most conditions of destitution and neglect pre-suppose the absence of one or both parents.

It may be noticed that in cases of begging the "broken" home is not a significant factor. That is so because begging is the normal occupation of some sects. It is not an abnormal action occasioned by family disintegration.

As can be seen nearly all the cases of "broken" homes are those broken by death. In this country desertion and divorce have not assumed the proportions they have assumed in Western countries though in large industrial cities like Bombay the percentage of desertion would perhaps be greater.

In India, marital problems are of a different nature. They are mostly confined to early married life and once the couple have a child they may be deemed fairly well settled. Girls are married very young but stay with their parents for the next couple of years, visiting their in-laws from time to time. The trouble starts when they are sent finally to their husband's homes, generally because they are sexually still immature. It is often the root cause of most of the trouble in cases of alleged ill-treatment by husband, which come before the Juvenile Court. Such cases are easily handled with a bit of advice or by detaining the girls in institutions until they attain puberty. One such case was a Maratha girl of thirteen, who stated that her husband had tried to kill her. She was found to have a few scratches on her throat which, she later admitted, were self-inflicted with a pair of scissors, in order to escape from her husband's home. She was kept in an institution and then with her father for about eighteen months until she matured and was later restored to her husband of her own accord.

Sometimes the girl-wife runs away for the simple reason that she is homesick. One little Maratha girl, who was married when she was three years, was sent to her in-laws when ten, and it was not surprising that she tried to run away home again.

Sometimes, however, the cases are really serious due to various causes, one of these being disparity of age between husband and wife. A child of six years was married to a man of over twenty, with the result that the man kept another woman and completely neglected his wife, who eventually, at the age of fifteen, when she was brought to the attention of the Juvenile Court, was living in grave moral danger as the servant of a man with a very disreputable character.

Coming back to the Table, it will be noticed that the death of the father seems to have the most far reaching effects. It may be thought that in a patrilineal society of this area, with its traditions of the joint-family, the economic and psychological need of the father would be supplied by the father's family. A further analysis has been made, therefore, to discover the constitution of the household when either parent or both the parents are absent due chiefly to death, but also to various other reasons like desertion, divorce, imprisonment, confinement in a mental asylum, etc. The Table is given on the next page.

As the Table shows when both parents are absent, the children find a home with whoever gives them shelter—elder brothers, sisters, mother's relatives or father's relatives; when one parent is absent, the other parent and the children usually stay on their own. Thus neither the joint-family nor the moral obligations imposed by that system on the father's brothers of looking after his widow and his children, are very apparent. So there can be no question of the father's family making good the loss of the father.

In a family consisting of the parents and the children, the loss of either parent would have equally great psychological effect, so the reason for there being more children whose fathers are dead must be economic. When both parents are dead, as a rule, there is some relative who is willing to look after the children. These relatives would undertake to bring them up, if they would reasonably well afford to do so; therefore the children are economically no worse than before their parents' death. The mother's death would not affect the income of the family because her contribution to the family budget is small, when any at all. But the father's death would be an economic disaster. The family may be reduced to beg for its livelihood; the mother may turn prostitute. Even if the family does not become so completely destitute, its earning capacity would be reduced tremendously, and it has become a criminological truth that it is not so much poverty as a static condition, but rather the DETERIORATION in economic status that leads to delinquency.²³ It cannot be stated exactly to what extent it is true of the cases studied because it cannot be shown what the rate of deterioration is, nor how soon, if at all, after the loss of the father the child committed his first offence, which is not necessarily the first one on record.

²³ HERMAN MANNHEIM, *Social Aspects of Crime in Germany between the Wars*, p. 111.

CONSTITUTION OF THE HOUSEHOLD

	With Elder Brother	With Elder Sister	With Father's Relatives	With Mother's Relatives	Step-Parents or Parent	Foster-Parents or Parent	Married	Child on His Own	Child & Mother on Their Own	Mother Destitute	Mother Kept	Mother Prostitute	Child & Father on Their Own	Father Having a Keep	In School	TOTAL
Both Parents Absent Due to Death, Divorce, Desertion, Etc.	3	2	—	1	1	2	4	2	—	—	—	—	—	—	—	15
	16	7	10	17	4	6	—	23	—	—	—	—	—	—	—	83
Father Absent Due to Death, Divorce, Desertion, Etc.	—	—	1	5	3	—	7	—	4	4	3	6	—	—	—	33
	27	2	12	19	19	—	—	—	67	13	7	2	—	—	—	168
Mother Absent Due to Death, Divorce, Desertion, Etc.	—	—	2	—	1	1	3	—	—	—	—	—	11	—	1	19
	2	—	11	1	25	—	—	3	—	—	—	—	43	1	2	80
Total	3	2	3	6	5	3	14	2	4	4	3	6	11	—	1	67
	45	9	33	37	48	6	—	26	67	13	7	2	43	1	2	339

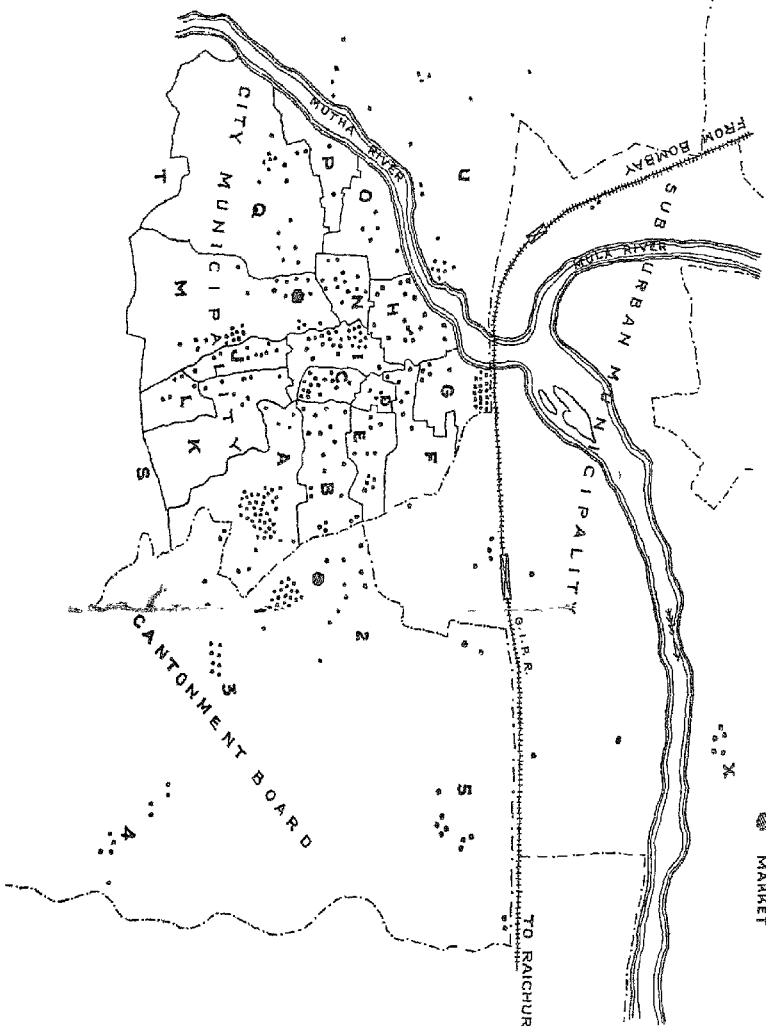
Yet another reason may simply be that the death rate for fathers is greater than that for mothers. According to the *Census Report 1941*,²⁴ to one widower of the age of twenty and over there are about 2.8 widows in the Poona District.

LOCALITY

A reference to the Table on Region will show that 395 children belonged to Poona. These children, except for twenty about whom no information was available and except for those that came from Kirkee, are plotted according to their localities, on the map attached herewith. Kirkee has not been included because there were only nineteen children from the whole area. Of the 356 children plotted, about 78 per cent are from the City, 18 per cent from the Cantonment, and 4 per cent from the Suburban area. The distribution of the total population in these areas, according to the 1941 census, is—City, 80 per cent; Cantonment, 13 per cent; and the Suburban area, 7 per cent. Thus the proportion of delinquent and destitute children from the Cantonment is slightly more for which a plausible explanation has been given in connection with castes. But, even so, it may be said that the problem of juvenile delinquency, destitution and neglect in Poona today is more or less confined to the City.

In order to compare the densities of the juvenile delinquent and destitute populations in the different wards, a proportion has been worked out of delinquents and destitutes to the total number

MAP OF POONA



REFERENCE
 RLY. STATION
 MARKET

KEY TO WARDS

A	BHAWANI	PETH
B	NANA	"
C	GANESH	"
D	NIHAL	"
E	RASTA	"
F	SOMWAR	"
G	MANGALWAR	"
H	KASBA	"
I	RAYWAR	"
J	VELAL	"
K	GANJ	"
L	GHORPADE	"
M	SHURWAR	"
N	BUDHWAR	"
O	SHANWAR	"
P	NARAYAN	"
Q	SADASHIV	"
R	GULTEKDI	"
S	PARVATI	"
T	SHIVAJINAGAR	"
U		
CANTONMENT BOARD		
1	HAMATHI PURA	
2	SADAR BAZAR	
3	SHOLAPUR BAZAR	
4	WAKAWARI	
5	GHORPADI	
SUBURBAN MUNICIPALITY		
X	YERAVDA	

of juveniles in each ward, as given in Table 20 in *Poona, A Socio-Economic Survey*.²⁹ The map is not marked according to the number of delinquents and destitutes per 100 because figures for the juvenile population were only available for the City Municipality, and because there are particular localities in the wards which give rise to delinquency and destitution. To mark the whole ward, when actually cases are restricted to a portion of it, would give a wrong impression.

The map shows very clearly that in most Suburban and Cantonment and some City areas juvenile delinquents and destitutes are sufficiently rare to cause little anxiety. The ward from which the largest number of children come and which also has the highest proportion of delinquents and destitutes is Bhavani Peth. The cases are crowded in localities known as Katadkhana, Modikhana and Mangwada where the homes of the depressed classes are situated. This ward has the largest number of begging cases, the largest number of moral danger cases and a large number of theft and breaking and entering cases. The next highest ward according to the proportion of delinquents and destitutes is Mangalwar Peth, and almost all the cases are concentrated in Gadital, where there is a colony of huts belonging to the depressed classes. In this ward most of the cases are of theft. The ward with the next highest proportion is Ganesh Peth, most of the cases being in the southern half. This is a business centre and the economic level, comparatively, is not very low, but it is a congested area and the housing conditions are not very good. Most of the cases are of theft. Shivajinagar, where a good number of the upper middle classes stay is fairly high, but that is because there are two colonies of the depressed classes along the river bank and a number of children from there were brought up for begging. Ravivar Peth which is a middle class business ward, has a low proportion, but it may be mentioned that a comparatively large number of offenders belong to this ward, many of them being from lanes inhabited by the gold and silversmiths. Considering its size, there are few children from Shukrawar Peth. This is rather surprising because the northern half, specially, is a thickly populated, crowded area. The market is situated there, a couple of theatres and cinemas also, and the northernmost tip is the red-light district of the City. There is a very slight concentration of cases around the market and in the spot known as Khadak, where there is a colony of ~~the~~ depressed classes.

In the Cantonment area the largest number of children come from Kamatipura, again a locality of the depressed classes. Most of the cases are of theft and begging. Cases of all descriptions are scattered throughout the Bazar, some of them being from Sholapur Bazar. The other areas where some delinquents and destitutes come from are Ghorpadi and Vanavdi, where the military hospitals and barracks are situated.

The general economic level of the town being low, housing conditions in most of the wards are not very good, but in the slums of Bhawani and Mangalwar Pethas and Kamatipura, they are truly deplorable. Family members stay huddled together in small, dingy rooms or in huts made of empty kerosene-oil tins, without windows and sometimes even below ground level. Often a couple of families share a hut—in one instance a boy and his mother shared a hut with three other families!

OCCUPATION

On considering the occupation of these children, it was found that 19 per cent of the children were in school; 24 per cent employed and 56 per cent neither in school nor employed. As employment and school have different significance according to sex and age, the boys and girls have been divided into the three age-groups: About 7 years and under; about 8 to about 13; about 14 to about 16, and considered separately. Most of the children of 7 years and under, as should be expected, are neither in school nor employed. Of the destitute and neglected boys in the second age-group, 21 per cent are in school, 19 per cent have some sort of employment (the employment of 7 per cent is street performing and professional begging),²⁶ and 55 per cent are neither in school nor employed (idle). Of offenders in the same age-group, 27 per cent are in school, 28 per cent employed and 44 per cent idle. For the age-group about 14 to 16, amongst destitute and neglected boys, 19 per cent are in school, 31 per cent employed and 48 per cent idle. Amongst offenders, 12 per cent are in school, 48 per cent employed and 38 per cent idle. Thus a very large percentage in every group is idle. The percentage in school, of even children of school going age, about 8 to 13 years, is exceedingly small.

It will be noticed that more than 50 per cent of the runaway children and about 50 per cent of those who committed thefts are

²⁶ In India, begging and street performing are regular normal professions of certain castes as may have been noticed in the Table on caste. The *Joshi* and *Gosavi*, for instance, are religious mendicants, *Kolhati*, *Dambari* are acrobats, *Gondhali*, musicians, and in between performances they beg.

neither employed nor in school; thus the two major problems of the Poona Juvenile Court today, belong to the idle group.

OCCUPATION (1st Age Group)

	Working with Father or Relatives	Apprentice	In a Factory, Mill, Etc	In a Shop	Domestic Servant	"Hotel Chokra"	Vendor in a Cinema House	Newspaper Boy	Motor Cleaner	Errand Boy, Etc	Cooli	Street Performing & Begging	Miscellaneous	Total Some Occupation	In School	No Occupation	No Information	Total
Theft	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2	—	2
Breaking & Entering	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sex Offence	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Serious Offences	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Miscellaneous	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total Offenders	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2	—	2
Gambling	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Uncontrollable	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Victims of Cruelty & Sex Offence	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—	1
Unfit Guardians & In Moral Danger	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	4	—	4
Parents Convicted	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2	—	2
Destitute	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	11	—	11
Begging	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	21	—	21
Running Away	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	8	—	8
Miscellaneous	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	7	—	7
Total Destitute & Neglected	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	32	—	32
Total 1st Age Group	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	9	—	9

(Continued on next page)

Amongst 13 girl offenders, none are in school, 4 are employed and 9 idle. Amongst destitute and neglected girls, 20 per cent of about 8-13 years are in school; 7 per cent employed and 73 per cent idle. Of the third age-group, 21 per cent in school; 12 per cent employed and 67 per cent idle. It should be remembered, however, that the girls who are not in school nor employed, cannot really be called idle. Most of them do household work, specially the married ones, and 27 per cent of these girls are married, so delinquency amongst girls cannot be explained by the fact that they have nothing to do.

Children of the poorer classes are sometimes not sent to school because both the parents, or the living parent if one is dead, have

to be out of the house working and the only person to look after the baby or toddler is his slightly older brother or sister.

OCCUPATION (2nd Age Group)

	Working with Father or Relatives	Apprentice	In a Factory, Mill, Etc.	In a Shop	Domestic Servant	"Hotel Chokras"	Vendor in a Cinema House	Newspaper Boy	Motor Cleaner	Errand Boy, Etc.	Cooli	Street Performing & Begging	Miscellaneous	Total Some Occupation	In School	No Occupation	No Information	Total
Theft	5	1	1	1	4	2	2	1	—	—	2	—	—	19	19	36	1	75
Breaking & Entering	1	—	—	—	1	—	—	—	—	—	—	—	—	2	1	2	—	5
Sex Offence	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Serious Offences	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Miscellaneous	3	—	—	—	—	—	—	—	—	1	—	—	—	4	4	1	—	9
Total Offenders	9	1	1	1	5	2	2	1	—	1	2	—	—	25	24	39	1	89
Gambling	—	1	—	—	—	—	1	2	—	—	2	—	—	6	3	1	—	10
Uncontrollable	—	—	—	—	—	—	—	—	—	—	—	—	—	1	1	1	—	3
Victims of Cruelty & Sex Offence	—	—	—	—	—	—	—	—	—	—	—	—	—	1	1	2	—	4
Unfit Guardians & In Moral Danger	—	—	—	—	—	—	—	—	—	—	—	1	—	1	1	5	—	13
Parents Convicted	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2	3	—	5
Destitute	—	—	—	—	1	—	—	—	—	—	—	—	—	1	—	4	—	5
Begging	2	—	—	—	1	2	—	—	—	—	—	—	—	3	—	11	—	14
Running Away	2	1	—	—	1	—	—	—	—	—	—	12	—	16	8	29	4	57
Miscellaneous	—	—	—	—	—	—	—	—	—	—	—	2	—	12	1	3	—	15
Total	2	4	3	—	2	7	2	3	1	—	2	15	5	44	12	43	—	59
Destitute & Neglected	4	3	—	—	2	7	2	3	1	—	2	15	5	44	12	43	—	59
Total 2nd Age Group	2	4	1	1	2	9	4	4	1	1	4	15	5	4	12	48	—	64
	13	4	1	1	7	9	4	4	1	1	4	15	5	69	73	167	12	321

(Continued on next page)

Even if children are sent to school, their studies are seldom supervised. Amongst the poorer classes both the parents are mostly illiterate. Amongst the better classes, the father is usually too occupied with his own work and the mother can be taken in by any child once he reaches the fourth or fifth standard. Thus the parents have very little knowledge of the child's progress at school. In one case a boy used to go off begging when he was supposed to be in school!

The employment most conducive to theft seems to be, strangely enough, employment with relatives, which one would imagine safe for the child. Perhaps this is so because children in such cases get

no pay and the relatives usually do not think it necessary to give the child any pocket-money.

OCCUPATION (3rd Age Group)

	Working with Father or Relatives	Apprentice	In a Factory, Mill, Etc.	In a Shop	Domestic Servant	"Hotel Chokra"	Vendor in a Cinema House	Newspaper Boy	Motor Cleaner	Errand Boy, Etc.	Cooli	Street Performing & Begging	Miscellaneous	Total Some Occupation	In School	No Occupation	No Information	Total
Theft	9	4	2	3	3	8	1	1	1	4	6	1	—	49	13	36	1	6
Breaking & Entering	—	—	—	1	1	—	—	—	—	—	—	—	—	4	2	4	—	99
Sex Offence	1	—	—	—	—	—	—	—	—	—	—	—	—	1	—	1	—	2
Serious Offences	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2
Miscellaneous	1	—	1	2	—	—	—	—	—	—	—	—	—	4	1	3	—	8
Total Offenders	11	4	3	6	3	8	1	1	1	4	6	1	4	58	16	46	1	8
Gambling	—	1	1	3	—	—	—	1	2	1	1	1	—	10	—	1	1	12
Uncontrollable	1	—	—	—	—	—	—	—	—	—	—	—	—	2	4	5	—	11
Victims of Cruelty & Sex Offence	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	4	—	4
Unfit Guardians & In Moral Danger	—	—	—	—	2	—	—	—	—	—	1	—	—	3	3	8	—	14
Parents Convicted	—	—	—	—	—	—	1	—	—	—	—	—	—	1	1	1	—	3
Destitute	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—	—	1
Begging	—	—	—	1	—	—	—	—	—	—	1	—	—	—	13	—	—	15
Running Away	—	—	—	—	—	—	—	1	—	—	—	1	—	2	1	4	—	6
Miscellaneous	3	3	6	—	3	3	—	—	—	1	—	—	4	25	20	47	2	94
	—	—	—	—	—	—	—	—	1	—	2	—	—	3	2	1	—	5
Total Destitute & Neglected	4	4	7	4	2	3	5	1	2	3	2	4	4	3	5	16	3	24
	—	—	—	—	—	—	—	—	—	—	—	—	—	45	28	71	3	147
Total 3rd Age Group	15	8	10	10	5	13	2	3	4	6	10	3	8	103	44	117	4	268

On the other hand the possession of too much money may lead a child into other kinds of trouble as the following cases will show. Two Kaikadi boys of about sixteen years, both mill hands in Sholapur, thought a good way of spending their pay would be to take a trip to Poona. They did and were caught travelling without tickets on their way back to Sholapur! At another time two boys, a Mahar and a Muslim of about sixteen years, were caught gambling. It was found both had good jobs. They were caught the day after payday!

Domestic service seems to be another dangerous employment for boys and the older girls. Most of the thefts were committed on the site of employment which is easily understandable because all kinds of odds and ends, and small change lie about the house to

tempt the child. In the case of girls there is an added risk of being exposed to moral danger.

Work in a tea-shop is another common form of employment with these children. Boys find that it is very easy to get employment as a "Hotel Chokra."²⁷ The difficulty comes in only when they wish to leave because the "Hotel" keeper seldom gives them their pay. So they take the first opportunity of stealing what they think is due to them. A Brahmin boy of fourteen years, of a very respectable family in Nagpur, ran away from his home because his father scolded him for having failed in his examination. He came to Poona and worked as a "Hotel Chokra." He wished to leave but as he was not given his pay he stole various articles from the "Hotel" worth about Rs. 52 and was caught on his way home.

It should be noted that in all the three groups, "In School," "Employed" and "Not in School nor Employed" the destitute and neglected children outnumber the offenders.

EXPLOITATION OF CHILDREN

It is not possible to show it in figures but a large number of children are exposed to direct or indirect exploitation by adults. Reference has already been made to children arrested for gambling. It was pointed out that invariably the cases had adult co-accuseds. The other ways in which children are exploited are by being made to steal, beg or being put to immoral uses.

A little Teli (oil presser) boy of twelve years, used to steal articles from his own house at the instigation of an old woman.

More recently there was a similar case. A Muslim boy aged thirteen, was put on probation for committing theft. He was getting on fairly well under supervision of the Probation Officer until he became acquainted with a young woman of about twenty-five years. This woman asked him to steal some jewels from his mother's box and gave him several keys with which to open it. The boy opened the box and stole some gold and silver bangles which the woman sold to a goldsmith. She gave him some money and asked him to clear out of Poona. The boy was arrested when he returned after three months. Possibly money was not the only bribe the woman offered him; the boy was found to be suffering from venereal disease which, he said, he had contracted from the woman.

²⁷ "Hotel" has become a part of the Indian vocabulary of common speech and has acquired the additional meaning of a tea-shop or cheap restaurant. *Chokra* means a boy. Hence, "Hotel Chokra," a sort of a young waiter in a tea-shop.

In another case a *Sadhu*²⁸ made a Sonar boy, of about eleven years, steal a bull and both were caught trying to sell it at a bull fair!

A Maratha pickpocket of twelve revealed that he had been trained by a man who, to all outward appearances, kept a *pan*²⁹ shop but actually taught boys to steal, sending them to Bombay to add the finishing touches to their education!

The parents themselves are not beyond exploiting children, sometimes actively helping them to steal and sometimes encouraging them by showing no real disapproval.

A gang of five boys was caught trying to dispose of stolen property. The gang consisted of two brothers, their friends two other brothers and another boy, and had been up to mischief many times before they were caught. From what the youngest said, it seemed as though his father had been well aware of his and his elder brother's doings and, if anything, encouraged them.

A Kshatri girl of fourteen stole ornaments from a cupboard in the house where she was employed at the suggestion of her father because he was unemployed, in debt and had a family of nine to support.

A Mang sweeper girl of fourteen, convicted of theft of Rs. 250 from her employer, said that she had done it at her mother's bidding.

What is more serious, however, is the indirect exploitation of children by shopkeepers like the cycle shopkeepers, the Marwadis who deal in gold and silver articles and the second-hand dealers. Children, it was shown, are usually anxious to convert the stolen article into cash. In these shopkeepers they find ready buyers who ask no questions, specially when cycle bells or lamps, ornaments, brass pots and even gold pocket watches are all to be had for a few odd annas. One Marwadi did not have to pay anything at all; he weighed some jaggery and coconut against the article stolen and bartered that for the article!

A gang of boys stole a cycle, dismantled it and were selling it, part by part, in the various cycle shops, but happened to get caught before they could dispose of their "kill" entirely.

A little Brahmin boy of twelve years was arrested for theft of a lamp burner. He stated that he committed these thefts at the instigation of another Maratha boy about his own age, who never did the stealing himself but asked him to get such and such thing.

²⁸ Religious mendicant.

²⁹ Beetle leaf.

and paid for it. A lamp burner would fetch about one pice. The other boy would then sell the article he had bought to the shopkeepers at a slightly higher rate!

It is realised that as long as there are these receivers of stolen property, so long will there be children who will steal for them, but to bring them to book is a difficult matter. In the first place, to be able to frame a charge against the receiver of stolen property there has to be a complainant; even if there is a complainant, it has to be proved that the man buying the article knew it was stolen. Because of the amount of trouble that may have to be taken, the police often omit to charge the receiver of stolen property. Amongst the 777 cases studied there is only one instance where the receiver of stolen property was charged and punished. Latterly, partly due to the insistence of the Juvenile Court and partly due to the better education of the police, charges against receivers of stolen property have been a little more frequent.

There have been a few stray cases where a shopkeeper has reported a theft. A Marwadi reported a girl of nine who tried to sell him a gold bangle. Another Marwadi reported three boys and an adult for theft of some gold rings. It makes one wonder though, whether it were not because the prices offered had not been low enough to please the Marwadi!

The most common form of exploiting children is to use them for begging purposes.

When discussing gangs, it was mentioned how children of poor parents were sent begging to add to the family income.

Sometimes when a man dies leaving his family destitute, the mother starts on a begging tour, with her children. An eight-year-old Maratha boy was caught begging near the railway station. His father had died and his mother and he had left their home in Khandwa in Central India and travelled from place to place. They had just come to Poona and were living under a tree in an open place in front of the station.

This open place in front of the station seems to have been the favourite camping ground for such people. In another case, a Maratha boy of nine years and his mother had been on the move for about seven years shortly after the father's death somewhere in Sholapur District. They had been living in Poona for about a month under the tree in front of the station.

Yet another family had made its home on this spot. A little girl of ten years, Koshti by caste, was found begging at the station. Enquiries revealed that this girl, her mother and her four young

brothers, lived in a perfectly destitute condition in front of the station. The father had died about two years ago, since when the mother had lived by making her five children beg. An attempt was made to absorb the whole family in a Rural Reconstruction Centre, at Ahire. But the mother had become so lazy with her easy way of living that she came back within a week, preferring begging to honest labour. So the children had to be committed to Certified Schools.

If a parent happens to be physically disabled, he uses his child to take him out begging. Children who have been caught with blind parents or lame grand-parents are quite commonly met with in the Juvenile Court.

If the child happens to be deformed, the parents sometimes exploit the deformity. A hunch-backed girl of about ten, was caught begging on two or three occasions. Every morning the father, who was a poor wood-cutter, would bring this girl to a certain spot, where she would sit accosting the pedestrians until the father came to take her home again after the day's work.

On one occasion, a man deliberately tried to maim his daughter in order to exploit her. Two Indian Christian girls aged fifteen and six, were reported to be in charge of unfit guardians. The father had been sentenced by the Bombay Juvenile Court for exploiting the younger girl for begging purposes and burning her fingers with a cigarette end to excite public sympathy. He had finished his period and was pestering the little girl again.

Sometimes children are even "hired" out by parents to beggars. A ten-year-old Hindu girl, who was horribly branded and two people, who professed to be her parents, were arrested for begging. It was noticed that the alleged parents spoke Gujarati while the girl herself spoke Tamil or Kannada.

At another time, a young Hindu girl and an old woman, supposed to be her grandmother, were picked up by the police. The right hands of both of them were very peculiarly distorted. Later in the Juvenile Court they were discovered to be a couple of frauds. Neither were they maimed nor was the old woman the girl's grandmother.

Children are also exploited by *Sadhus* and *Fakirs*⁴⁰ who entice them to accompany them on their begging rounds.

A nine-year-old daughter of a Chambhar used to be taken out regularly by some *Sadhus*. A Brahmin boy of twelve years was

⁴⁰ Muslim religious mendicant

worse. He used to disappear for days at a time on begging tours with Sadhus.

Another set of people who exploit children by making them beg are those who claim to collect funds for an orphanage or a home for destitute children—Ashrams as they are called. At most times these Ashrams are nothing more than a couple of rooms where the children are housed and fed inadequately; at other times they exist only on paper. Recently there was a case of a girl from an Ashram in Poona. It was found to consist of a couple of rooms in Somwar Peth. It had fourteen inmates besides the girl and all of them were boys. It was run by a man of about thirty years who was totally illiterate! The man was married but his wife hardly seemed the type who would be able to look after fourteen boys. Apparently the only occupation the boys had, was to beg for funds.

A thirteen-year-old Brahmin runaway from Nagpur fell in with a group of people collecting funds for a supposed Ashram and was promptly enrolled to go begging with them. Whether the Ashram really existed was never known because the boy got tired of wandering about for three months and was caught at the Poona Station on his way back home.

A young fair-looking lad was arrested with an adult who had a certificate to say that he had an Ashram in Allahabad. The man admitted that because the Home was in need of funds he took some of the children and went begging practically all over India. The boy belonged to Madras but he had been picked up in Calcutta by the Ashram people about three years ago. Enquiries were made in Allahabad and the man's statement about the Ashram verified. It seems that it is a decent orphanage sheltering destitute children, but it was felt it was hardly the thing for the child's moral and material welfare to go begging all over the country the greater part of the year.

Distinct from the above types of cases are those where children are exploited as a matter of caste routine and profession.

About five children, Gondhalis by caste, were once brought in for begging. Gondhalis are itinerant ballad singers. They earn their living by performing at weddings and at private entertainments. In between performances they beg.

On two occasions groups of four Kolhati children were arrested. This caste specialises in acrobatic stunts. The children are made to turn somersaults, form pyramids and as a climax to the entertainment, rope-walk on hastily constructed poles. Because the feats require certain suppleness of body, the children are trained

early. They begin at the age of five years and are expert acrobats at ten or eleven. These people also travel from place to place and perform on the streets; when they are not performing they beg.

There are other castes where, unlike the above examples, begging is not allied to any profession requiring skill.

A group of three Vaidu children was once caught begging. Vaidus wander all over the Deccan and Konkan throughout the year. They usually camp outside the towns and villages in cloth tents or pals which they carry with them on donkeys. On halting at a village or town the men, women and children walk through the streets selling drugs and begging.

A boy of two years and his sister of eleven months were caught being made to beg by their mother. They were found to be Waghris. These people belong to Gujarat. During the slack season, when there is little work to be done in the fields, they invade the towns where they make a livelihood by various means like selling twig tooth-brushes, green parrots and other birds, and eggs, but mostly by begging.

The third type of cases are those where children are exposed to moral danger by adults for personal benefit. A Brahmin girl, who seemed about fifteen years of age, reported to the police that her elder brother was forcing her to lead an immoral life. It was found that the girl's parents were dead and she and her younger sister, aged ten years, were left in charge of the elder brother. The girl had been married but lived apart from her husband because she could not get on with him. According to the girl the elder brother had no other income but what he made by exploiting her.

A Teli boy of eight years was caught begging. Home enquiries revealed that his father had died some time ago, his mother was living with a man who appeared to be a Sadhu. She was an amateur prostitute and the boy and his elder brother, aged thirteen years, were often made to act as procurers for her.

Children who live in military areas are specially exposed to the danger of being used as procurers. The father of an Indian Christian boy of fourteen years was employed as a cook to a British sergeant. The child's mother was dead and the father did not bother to have him employed or sent to a school. Being left to himself he got into mischief. He became friendly with a prostitute and for a few annas used to act as her procurer and messenger boy in the barracks.

More recently a gang of five boys was brought in for theft. Three were Indian Christians, one a Mahar and one a Mang. All of them used to be employed as servants in the barracks. Upon enquiry it was suspected, with good reason, that the boys were often used as procurers. Besides, medical examination showed that they themselves had been victims of unnatural offence.

The marriage of girls has been a source of great profit for some. An Indian Christian girl of nine years was brought to the Juvenile Court by her elder sister for protection against the elder brother who wished to get the young girl married. The parents were dead and the little girl was looked after by this elder sister who stayed with her husband in Junnar. The elder brother lived on his own in Sangamner. One day an uncle of theirs came and asked for the child, saying that the elder brother was seriously ill. A few days after the child had left, the sister received a post-card to say that everything had been arranged and the girl was to be married in a couple of days. With the help of the Superintendent of the Mission in Sangamner, the elder sister managed to prevent the marriage much to the little girl's relief. The elder brother and the uncle had received a good price for the bride. As they had already spent the money, they kept harassing the elder sister who had to seek court protection.

A Maratha girl of fourteen, applied for protection through her pleader, because her husband ill-treated her. Her parents had died shortly after her marriage. The husband stated that the girl had been tutored by her maternal uncle who trafficked in women. Though the truth of it was never quite verified, it seemed very probable. As all attempts at reconciliation were a failure, the husband was prevailed upon to give a divorce for a certain sum of money paid by the uncle. The girl was committed to an institution in Bombay, with instructions that arrangements should be made for her remarriage. Various suitors were suggested but turned down by the girl—incidentally one of them committed suicide. This was found to be rather strange until it was discovered that the uncle made capital business out of it. If a suitor paid well enough, the uncle would bring him to the Juvenile Court for approval. If the Court approved, he would send his wife post-haste to Bombay with instructions to the girl to refuse! And the uncle would suggest another "man." Eventually the girl completed her full period of commitment without getting married and passed out of the control of the Juvenile Court.

The husband of a fifteen-year-old Kamati girl applied for the custody of his wife. He said that after living for two years with his wife and his mother-in-law, he had been turned out on an excuse of ill-treating his wife. He stated the real reason was that the mother wanted the girl divorced and remarried. The husband was a none too reliable character himself. He was found to be in debt and also in the habit of drinking. But what he said was positively true, because his wife's elder sister said that the old woman, their mother, wanted to exploit them by getting them married, breaking off the marriage; and then getting them married again; the girl fetching a bride-price every time! But such allegations are always difficult to prove and the case had to be filed for want of more evidence.

The worst cases of exploitation, however, are those children who are rescued from brothels. Brothel-keepers are continually on the look out for young girls and even young boys, who are used to serve drinks and refreshments to the customers. Their agents scour the districts for likely victims. Sometimes children are lured to the brothels under false pretences, but sometimes they are deliberately sold by guardians who wish to get rid of them. Once in a brothel, the child is a prisoner there virtually for life.

Not so long ago a number of events gave a glimpse of the Poona underworld organisation. A prostitute and her partner, a notorious brothel-keeper, became involved in a police case for luring a minor girl to the brothel. Enquiries during the trial led to the discovery of the son of the prostitute, a little boy of seven years, and from the information given by him his two elder sisters, aged eight and ten, were also produced. These children, young as they were, were already familiar with the brothel. The behaviour of the two little girls was most precocious and cunning when they first appeared before the Juvenile Court. They flatly denied the boy was their brother and gave him a sound kick when he recognised them as his sisters! They had acquired a love for display and in the institution where they were remanded, tried to attract attention by various means like dancing, singing, performing card tricks, etc.

Then about five months later the case of a Maratha girl of about fifteen years was reported by the superintendent of a general hospital. The girl had been entered as an inpatient by an unknown woman. She was a complete physical wreck and found to be suffering from tuberculosis and venereal disease. When questioned, she said that her home was in Karad, District Satara, and that she had been brought to Poona about two years ago and sold by her

uncle to the brothel-keeper mentioned above, whose case was then pending in the Sessions Court. The girl was a willing talker but just as she was getting slightly better, she was spirited away most mysteriously one night from the hospital and has not been traced yet. Though the prostitute and the brothel-keeper were finally sentenced to two years' rigorous imprisonment, the information given by the girl would have been most valuable in tracing the various associates and agents.

Some months later, a whole group of women, six of them seemed to be minors, escaped from a brothel kept by the former brothel-keeper's sister and reported to the police. When the police case was over, the six minor girls were referred to the Juvenile Court. They belonged to the neighbouring districts of Satara, Bijapur and Belgaum and all claimed to have been lured to Poona by false promises. Unfortunately in such cases it seems to be too late for anything constructive to be done. The life led by them tends to destroy the moral fibre of the children, so that they lack the very will, leave alone the strength, to help themselves. The disposal of the six girls was a problem but, happily or unhappily, they solved it for themselves. One by one all, except the sixth girl, managed to escape while on remand and the remaining one was medically certified to be above sixteen years and had to be discharged.

As amongst the begging cases, certain instances of exploitation arise out of caste conventions. Women of the subdivisions of certain castes are prostitutes. Amongst the Kolhatis, a caste of acrobats, when a girl comes of age, she has to choose between prostitution and marriage. The best looking girls are sometimes set apart for prostitutes and are called "golden" daughters. Amongst Mahars and some other castes also, girls are sometimes dedicated to a deity and become more or less religious prostitutes. A Mang girl, if not married before she attains puberty, becomes a Jogrin and follows prostitution. Then there is the Veshya group which is not a definite caste but consists of the fallen women of other castes. The children of Veshyas become prostitutes and procurers after them. Thus amongst these castes prostitution is just another profession. What added partly to the difficulty of doing anything constructive for the six minor prostitutes, was that four of them were Kolias, a subdivision of Kolhatis, and the other two Mahars, and had their peculiar moral outlook on prostitution.

Distinct from the prostitute classes are certain other castes whose women cannot get married but may be kept as concubines.

Some time ago a girl was reported to be in moral danger because all the women of her father's family were kept. Her aunt was a good dancer and lived in a well-to-do locality. The girl was a Naikin. The women of this and other allied castes, of which the Kalavant is the highest, are as a rule good singers and dancers. Concubinage in these cases is merely a convenient arrangement whereby the women can get married without having to give up their career as artistes. It is practically as binding as marriage. It has a definite ceremony, like the marriage ceremony, to which guests are invited. The concubine usually has her own establishment and sometimes her mother and other maternal relatives stay with her. It is not uncommon to come across three or four generations of mothers and daughters staying together. In such a household, the male members are usually restricted to the brothers. They subsist on the earnings of their gifted sisters and often play the accompaniments to their songs and dances. A new profession that has been opened to these men and women is the cinema. On the whole they are a very cultured group of people. The foremost singers and some of the most well-known actresses come from this class. The reformed men are some of the leading citizens of this province.

CHAPTER III

THE DISPOSAL OF CASES

IN THE introductory chapter it was stated that the Bombay Children Act, based on the Children Act of England, has absorbed educational ideals into criminal procedure. Some of the methods of dealing with children under the Bombay Children Act are, therefore, educational, and these apply to delinquents as well as destitute and neglected children; others are mainly punitive and apply to offenders only.

The Juvenile Court magistrates have the following ways of disposal at their choice:

1. The child may be discharged after due admonition.
2. The child may be committed, with or without conditions, to the care of his parent or guardian or other "fit person." "Fit person" in relation to the care of any child includes any society or body corporate established for the reception or protection of poor children."¹
3. The child may be placed under the supervision of a Probation Officer for a period not exceeding three years.
4. The child may be committed to a Certified School.
5. Under certain conditions the child may be striped.
6. Under certain conditions the Court may fine the parents or the child if over fourteen years of age, or insist upon restitution and reparation.
7. Under certain conditions the child may be imprisoned "notwithstanding anything to the contrary contained in any law, no child shall be sentenced to death or transportation or committed to prison:
"Provided that a child who is fourteen years of age or upwards may be committed to prison where the court certifies that he is of so unruly or of so depraved a character that he is not a fit person to be sent to a certified school and that none of the other methods in which the case may legally be dealt with is suitable."²
8. Dealt with in any other manner, the child may legally be dealt with.

¹ *Bombay Children Act*, Sec. 3 (f), p. 3.

² *Ibid.*, Sec. 22, pp. 19, 20.

9. The child may be striped in default of fine, if the child is able to pay it.

10. The child may be committed to a Certified School in default of fine, if the child is able to pay, and has already undergone caning.

An order may be varied, modified or revoked. An appeal from an order passed by the Juvenile Court shall lie, in places outside the City of Bombay, to a District magistrate. No appeal shall lie from any order passed in any such appeal. The time within which an appeal shall be filed is three months.

The disposal of 777 cases is given on page 81.

Before going on to discuss the figures, an explanation of some of the headings is necessary.

1. "Discharged or Closed" are those cases which have been discharged for want of evidence or closed because the child died or absconded before an order could be passed or for any other reason.

2. "Transferred" are cases of children outside Poona in whose native places there is a Juvenile Court or a child-caring agency to which the children may be transferred for further disposal.

3. "Repatriated" are cases of children outside Poona in whose native places there is no Juvenile Court nor a child-caring agency, thus making it necessary for the children to be committed to the care of their parents or guardians on information based on reports by the police or the village patil or some such person.

4. "Restored" are cases of children who are committed to the care of their parents or guardians and the parents or guardians or their representatives take charge of them personally. They may be local cases, but are also those whose parents have nomadic habits or those who do not belong to Poona but whose parents come here for the purpose of taking them back.

"Repatriation" cases might come under "Restored," but the idea of keeping them separate is to draw a distinction between those cases which are restored with practically no knowledge about the suitability of the home or parents, and those cases where the Court has a chance of seeing the parents and discussing with them the future of their child.

5. The difference between placed on Probation and placed under Supervision is merely technical. The children under Parts II and III of the Act, that is, destitute and neglected children, are placed under Supervision, children under Part IV of the Act, that is, offenders, are placed on Probation.

6. The children may be "Committed" to "fit person" societies and institutions or certified schools.

The certified schools may be institutions maintained and managed by the Government or institutions maintained by the Government but run by voluntary agencies or institutions maintained and run by voluntary agencies which have been certified to receive children under the Bombay Children Act.

From the Table it will be seen that not one case was caned and not one case committed to prison. Since it has come to be generally accepted that the function of the Juvenile Court is to give protection more than to punish, caning is rarely resorted to. Besides, it is recognised that caning does not deter from future misconduct. Committing to prison is even rarer than caning, and for practical purposes does not exist.

In twelve cases only was a fine imposed, and in all cases but one it was the parents who were fined. None too often, the parents are to blame for the misconduct of their children. The imposition of a fine is a useful method of reminding them of their responsibilities, and should be made use of, specially where something more constructive like supervision is not possible. Fining cannot be very common, however, because the parents of children appearing before the Court are for the most part very poor.

On the whole the offenders are mostly placed on probation, destitute and neglected children committed or restored, but the disposal of the different types of cases may be considered in detail.

Many of the theft and breaking and entering cases are placed on probation because they usually belong to Poona, and the Probation Officer has a chance of studying their home conditions and making the necessary adjustments so that the child has a fair chance of improving in his own home. Cases where the home conditions are very undesirable or where the child himself needs discipline, are usually committed to a Government institution.

Uncontrollable cases are mostly committed because, under the Children Act, if the guardian of a child proves to the Court that he is unable to control the child and desires the child to be sent to a Certified School, the Court, if satisfied, may order the child to be sent to such school. The Act, therefore, leaves no alternative but to commit uncontrollable children.³

³ Note: The Table shows three cases of uncontrollable children placed under supervision and three cases committed on "fit person" basis, but the decision in these cases was not quite legal. •

DISPOSAL OF CASES

	Discharged or Closed				Restored			On Probation & Under Supervision			Committed				TOTAL
	Acquitted	Transferred	Rehabilitated	TOTAL	To Parents	To Relatives	To Husband	TOTAL	Certified School			TOTAL			
									Government	Semi-Govt.	Voluntary				
Theft	2	1	1	4	3	2	1	3	67	5	3	2	1	11	
Breaking & Entering	—	1	—	1	1	6	—	8	6	5	4	3	6	176	
Sex Offence	—	—	—	1	—	—	—	1	2	—	—	59	—	15	
Sex Offences	—	—	—	1	—	1	—	1	1	—	—	1	—	2	
Miscellaneous	1	—	—	4	2	2	—	6	3	—	—	1	3	17	
Total Offenders	3	2	1	5	11	8	1	96	79	5	4	67	9	13	
Gambling	1	—	1	2	1	1	—	6	5	2	—	2	3	27	
Uncontrollable	1	1	—	6	4	2	—	3	3	10	—	1	—	26	
Victims of Cruelty & Sex	1	1	—	2	2	—	—	5	1	2	—	2	—	3	
Office	4	—	—	2	2	—	—	6	1	—	—	2	1	4	
Unit Guardians & In	—	—	—	6	7	—	—	1	1	3	—	9	1	31	
Moral Danger	—	—	—	10	7	3	—	1	1	—	—	11	1	14	
Parents Convicted	—	1	—	4	7	1	—	1	—	1	—	1	—	11	
Destitute	1	1	—	4	7	4	—	1	7	12	1	13	—	12	
Begging	2	5	2	30	29	1	—	8	14	1	—	10	3	20	
Running Away	1	—	—	5	3	1	—	18	3	1	—	4	1	50	
Miscellaneous	7	—	1	42	23	17	1	13	6	49	10	74	—	76	
	—	4	1	6	5	1	—	5	4	2	—	2	3	21	
Total Destitute & Neglected	8	5	1	28	23	8	4	17	13	90	15	43	4	116	
	14	5	52	102	73	29	5	50	22	90	27	154	10	446	
Total Girls	8	5	2	33	26	4	3	20	13	—	1	32	4	129	
Total Boys	17	7	56	121	84	37	—	146	23	147	20	31	8	293	
Total	25	12	58	154	110	41	3	166	36	147	21	63	6	777	

A middle course is sometimes sought by remanding the child for a couple of weeks for observation. The cause of trouble may be the neighbourhood or too strict or too lax discipline, or perhaps over-anxiety of the parents as is often the case when it is an only child, or the eldest child. Sometimes a word of advice to the parents and the child's stay in the Remand Home for a couple of weeks does seem to settle the trouble. Out of the six cases restored, only one was reported uncontrollable again and had to be committed to an institution. On following up the other five cases it was found that three had adjusted themselves successfully; two could not be traced, but they may be presumed to be successful because had there been any trouble the parents would have referred them to the Juvenile Court again. Recently there was a case of a Brahmin boy, aged fifteen years, who was brought as uncontrollable by his father. The boy came of an orthodox, respectable family, financially quite well off. The boy had three sisters and a younger brother. The trouble seemed to be that the parents were extremely keen that their elder son should do well at school, whereas the report of the superintendent of a mental hospital was, "He should be taught some manual occupation as he has reached the level of his intellectual capacity." The boy was fond of music and could sing well. During the stay in the Remand Home his interest in music was encouraged and with sympathetic treatment, away from the disturbing influence of the parents' anxiety, his conduct underwent a remarkable change. He was so grateful for the kind treatment received that before he left, he made a low obeisance to the Muslim peon who had looked after him. When the boy was restored, the situation was explained to his father, and apparently the case was successful because no further complaints were received.

Children in charge of unfit guardians and in moral danger are usually committed. That is, the Poona Juvenile Court is more inclined to retaliate against the parents by depriving them of their guardianship rights, rather than attempt to reconstruct family situations conducive to child neglect. A policy, it will be remembered, that has been reversed in other countries through experience. Illustrative of what is meant was a recent case: A little boy and his sister were found in a very dirty, ragged condition with their father, who appeared to be without work and who seemingly did not exercise proper guardianship. The children were taken charge of. Enquiries revealed that the family had come to Poona from Sholapur a couple of days before. The father's brothers were cultivators in Sholapur and respectable people. It was suspected the father

was given to drink, but he had been a fairly steady worker until one day his wife eloped. He had then thrown up his work and come to Poona with his children, to whom he was apparently very attached. He seemed to be ill, physically and mentally. All he wanted was to be left in peace with his children which, he stated, was not asking for much. He was most unwilling to have them committed to an institution, but they were, in spite of his protestations. Some time later, a letter was received from one of the uncles in Sholapur to say that the father was dying and wished to see his children, whereupon the committal order was changed; the children were sent to Sholapur and placed under the care of their uncle.

The subsequent order shows that it was possible to reconstruct the family situation. The possibility must have been present from the very beginning, because it cannot be that the relatives were unwilling to shelter the children and the father. The father had come away from Sholapur because his wife had deserted him. The shock had perhaps unbalanced him for the moment, but he could have been persuaded to go back to his brothers. Instead of being committed, the children could then have been restored, as they were later. If the Juvenile Court were still uncertain of the children's welfare, the Sholapur Juvenile Court may further have been asked to supervise. Had the better course suggested itself in the beginning, it would have spared the children and the father the distress caused by parting them.

To take yet another case, shortly after the Bombay Children Act was applied to Poona, three little girls, aged thirteen, eleven and ten, were brought to the Juvenile Court as being in moral danger. The grandmother of the children had been the mistress of an English soldier, the mother had been kept successively by two Irani men, the second of whom was the father of these children. It was also suspected that the second child had been dedicated. Balanced against these were the assets. The mother and the children lived in a nice house in a decent locality and all the children were studying as day-scholars in a very good convent. In fact, had the mother's character been above suspicion, the home conditions would have been considered very desirable. In Court it was decided to commit the children to an institution in Bombay for three years. After their period had expired they were restored to their mother on condition that they should be kept as boarders in the very school they had attended as day-scholars. The point is, considering the desirability of the home and the fact that the mother's second relationship had lasted for more than thirteen years, the children

may have, from the first, been restored on condition that they were sent to a good school. Besides, the three years' committal order served no useful purpose. The children were taken away when they were aged thirteen, eleven and ten, and restored when they were sixteen, fourteen, and thirteen, a more dangerous age for being exploited had the mother been so inclined. But the mother was not, because three years later when the girls were traced for the purpose of this enquiry, they were found to be doing quite well. The eldest had just entered college, and the two younger ones were studying in the school specified by the Juvenile Court. The mother was apparently jealously looking after the girls and wished them to be decently married.

The Children Act gives the Juvenile Court power to over-ride parental authority under exceptional circumstances. It is fully justified in removing a child from the parents when, as in one case, a woman wantonly allowed her two small daughters to be assaulted by her paramour, but just the mother being a mistress or the father drinking more than is good for him, does not seem to be conditions grave enough to warrant such action. It should be borne in mind that a child's natural and normal environment is his own home, which should be preserved whenever possible, because the natural bond of affection between the child and his parents may form a vital force in the reconstruction of the home and the family. The parents and the State both have a claim on the child; those of the former are biological, those of the latter social—it wants good citizens. The State can best achieve its ends by recognising the right of the parents and that does not mean that it should revert to the ancient practice of regarding the parent as the supreme indisputable guardian. What is meant is that it should approach the situation indirectly and reduce the necessity of removing the child to a minimum by making attendance in the schools compulsory; by introducing measures to relieve destitution; by instructing women in mother-craft; by organising good propaganda, etc. The real problem is to reconcile the claims of the parents and the claims of the State to the best advantage of the child.

While on the subject it may be stated further that each type of case has to be placed in its proper sociological background, specially in a country like India. It is not only necessary to take into consideration the economic conditions, but also factors like caste and season to judge the quality of the case.

There are certain tribes that regard thieving as nothing abnormal. They take it all in their day's work. Some time ago a

tribe of gypsies camped in an open place next to a lady's house. True to type, at the first favourable moment they let their animals loose to graze in her compound. To teach them a lesson the lady had the beasts rounded up. Soon after the whole camp came in a body to beg for the animals and after some parleying the lady consented to release them. The gypsies departed swearing eternal gratitude. When they had left, the lady discovered that some of her shoes were missing and she decided to go across to give them a bit of her mind. But as she was entering the camp an old woman came out of her hut with her arms full of shoes and said "Baiji,⁴ I was just going to return these shoes. My children are incorrigible. They will never learn from whom not to steal!" When a child from such a tribe commits a theft, it is not due to any emotional struggle or a sense of frustration. He is merely acting according to the code of behaviour of his class and is totally unaware of any feeling of moral guilt. A Pardhi girl arrested for stealing brinjals justified her action by saying, "I steel one brinjal from each field. How can the owners be any the worse for it!"

As with thieving more so with begging which is the recognised profession of certain castes mentioned earlier. And at certain times even those families which do not ordinarily beg, do so. Once five or six children of poor but respectable families were brought to the Juvenile Court for begging. The parents would have been heavily penalised but that one of the magistrates who was a Muslim, explained to the Bench that it was the month of Ramzan⁵ and during that month rich Muslims who were charitably disposed gave food and clothing to the poor. At such times it was not considered improper for even respectable poor families to go begging and take advantage of the almsgiving.

Moral danger also cannot be interpreted according to foreign standards. Each community has its own moral codes; what may appear to be a case of moral danger may not really be so when considered with reference to those codes. For instance, in parts of the Punjab a sort of polyandry still exists. It is not unusual for one of the brothers, generally the eldest, to marry and the other brothers to have access to his wife. This practice has arisen because there are fewer women than men and that being the case the girls fetch a good bride-price. Hence, often only one man in the family can afford a wife. There was a case before the Juvenile Court a few months ago. A fifteen-year-old married Sikh girl from a village in

⁴Madame.

⁵Muslim month of religious fast.

the Punjab eloped with a soldier from a neighbouring village. The man's regiment was stationed at Poona and both were somehow discovered on their way to the regiment. The girl was referred to the Juvenile Court. Her home in the Punjab was traced and it was found that the husband was willing to overlook the lapse and take her back, but she refused to go home and led the Juvenile Court to suspect that her elder brother-in-law paid her unwelcome attentions. What added to the suspicions was that the person who seemed to take more interest in the correspondence and who eventually came to fetch the girl was not the husband but the brother-in-law. This man used to bring a Sikh *guru*^a to stand surety for him and when questioned point blank about the allegations made by the girl, the *guru* as much as admitted that they were true. The Juvenile Court was inclined to view this with disfavour and take charge of the girl as being in moral danger. But considering that such was the accepted practice of the community, the Court thought better of it and decided to restore her. With persuasion and assurance that she would not be punished, the girl finally agreed to go back and the man was given charge of his sister-in-law-cum-wife!

Then, in the Province of Bombay, there are castes like the Kalavantine and the Naikin, who were referred to in an earlier chapter. These women may not get married but as concubines their position in the house and their prestige are next only to that of the wife. Concubinage is recognised by Hindu law. A man has definite obligations to fulfil towards his concubine and her children and even after his death they are entitled to a maintenance allowance during their life-time. The desirability or undesirability of such practices existing today is not discussed, but it may be pointed out that they are problems too wide for the Juvenile Court to handle. That body cannot hope, and should not try, to start social reforms in old Hindu institutions by its fitful treatment of an occasional case. The reforms must come from within the community itself, as they have been coming; women imbued with modern ideas of monogamy have been contracting civil marriages; Kalavantine men, instead of leading parasitical lives, have educated themselves into the front ranks of surgeons, lawyers, and administrators, and are trying to improve the lot of their women.

Children whose parents are convicted are restored to the care of relatives, if there are any willing to look after them, or are kept in institutions until the parents finish their sentence. The conviction of the parents by itself is not held against them. Enquiries are

^a Religious teacher.

made as to the desirability of the home conditions in each case and the children restored whenever possible.

Destitute children are generally committed, because a good many of them are orphans with no one to look after them. In India, as elsewhere, with the decline of the joint-family has come also the decline of the moral responsibility of the family members to care for the dependants of their less fortunate relatives. But old customs die hard. India may still be said to be in the transition stage, because there have been cases where relatives have disowned destitute children, just as there have been cases a few, where relatives have claimed them. Once a girl aged two, and her six brothers, the eldest aged fifteen, and the youngest a baby of two months, found themselves destitute overnight, because their elder sister's husband, in a fit of anger, killed the sister, the father, and the mother! Fortunately an aunt was found, who, though she had a family of her own, willingly took charge of all of them. At first she consented to keep only the girl and the two youngest brothers, but later, perhaps her conscience proving too much, she came back for the other boys.

Even those children who have a parent alive or both parents alive, who could bring them up, if they had the means, have to be committed because the Bombay Children Act makes no provision for a family allowance which would enable such children to be cared for in their own homes. On one occasion a widow with four children, one girl and three boys, their ages ranging from twelve years to three, applied for help. Her husband had been an astrologer. As such he could never have earned much, so when he died he left his family completely destitute. The widow got employment as a servant and managed somehow for four months before she applied for help. The only help that could be given her was to commit the three older children, the youngest to be committed a year later. It was as though for being poor she was to be punished by being deprived of her children! A situation that calls to mind Samuel Butler's "Erewhom," where to be unfortunate is to commit a crime. If the children benefited by such a separation, it would have some justification, but it may be stressed again, the child's natural environment is his home. In his home alone will a child unfold all the aspects of his personality; his home alone can satisfy his emotional desires for love and affection, because institutional care, even the best, is always impersonal. His home, therefore, must be preserved as far as possible, specially where poverty is the only cause of dependency. In a report on the placing

of children in families in the United States, it is said, "There is general acceptance throughout the United States of the principle that no child should be permanently separated from his family if it is possible so to rehabilitate the home that it can provide the essentials of satisfactory family life. When the inability of the parent to support the child is found to be the major reason for commitment to an agency, it is often found possible to board him with his own parents, the agency supervising the care given as in a boarding-home. In a study made in 1930, it was found that 2,054 children under the supervision of institutions and agencies were being boarded in their own homes."⁷ In the case mentioned above, in the beginning it was at least possible to keep the children together because the boys, being young, could be committed to the same institution as the girl. But as the boys grow up they will have to be transferred and the whole family will be scattered.

The lot of such children was harder still when they had to be detained in disciplinary Certified Schools, meant primarily for delinquents. Now it is possible to commit them to good, voluntary institutions, but even then there are some sensitive children who can never be happy in an institution, no matter how well it is run. In one of the institutions of the above sort, all except those children who could not, had gone home for their Divali⁸ vacation. The matron of the school, being a sympathetic person, did all she could to give the children who remained a happy time. She gave them good food, nice clothes, observed all the little rituals that make Divali such a festive occasion at home. In spite of it all, one small boy kept wanting to go home even though at home he would not have had half the things he was given in school. The Superintendent tried to cheer him up by pointing out that he too had to remain in school, to which the little boy's reply was "Maybe, but this is your home and it is not mine."

If these children are not committed, they are liable to become neglected in addition to being destitute. There was a case of a woman with three children becoming destitute because her husband developed insanity. In that case, the eldest child who was a boy, was committed to a Certified School. He turned out to be one of those who are unhappy in institutions. The two other children, girls, were left with their mother because they were very young. A year later it was a shock to see the mother in Court again with the

⁷ "The Placing of Children in Families," Vol. II, *League of Nations Publications IV, Social*, 1938, IV, 1411, p. 204.

⁸ Hindu festival.

youngest child looking a shadow of her former self. The mother had been charged with neglect of the two girls. Both of them had been seriously ill; the elder sister had died for want of proper attention, and there was a possibility of the younger one dying also. A lot had happened since the boy had been committed. The father was released from the asylum, but the cure was doubtful. He had continuous arguments with his wife on her being employed. He disliked the idea of his son being detained in a Certified School. A little later, after perhaps a family disagreement, he went away. The mother rolled on from job to job, acquiring a questionable reputation by the time she appeared before the Court again. In view of all that had happened, the Juvenile Court thought it best to take charge of the child, who was remanded to a hospital for treatment. There she was given the best of care, but her condition did not improve because she kept fretting for her mother, which only goes to show how necessary it is for some children to be with their parents. Eventually, because the child's condition grew worse and the mother claimed to be capable of giving the necessary treatment, she was restored under supervision. The child took a turn for the better almost immediately and was doing well. The case has now been transferred to Bombay where the mother has found some work.

These cases of acute poverty, rather than complete destitution, have no provision under the Children Act to meet their needs. The parents have to choose between undergoing innumerable privations or asking for relief which denies them a normal family life and is unsatisfactory for the children as well as themselves. It is true such cases do not really belong to the Juvenile Court. In America and England, they are covered by Social Insurance and Social Security Laws, like Mothers' Allowances, Old Age Pensions, etc. Lack of these in India perforce brings them to the Juvenile Court, which cannot disregard their claims because destitution may further lead to neglect or even delinquency, as it did in one case. A woman found herself having to care for eight children on the death of her husband. She was not educated and could not hope to support them all herself. She appealed to the Juvenile Court but her claim was dismissed because her husband had left her some eight hundred rupees. She managed somehow to disperse her eight children in charitable institutions and with various relatives. Very soon after, one child came back to the Juvenile Court for developing thieving habits. He is now being looked after in one of the Certified Schools.

Until such time as there is Social Insurance or other general measures for their relief, there should be some provision under the Children Act for the benefit of these cases. If the children could be committed to their parents on a "fit person" basis and even half the money paid as subsidy, which would be paid to a "fit person" institution, it would be going a long way towards the proper treatment of these borderline destitutes. The system of allowance is open to abuse, but the difficulty can be overcome, as it has been in other countries, by strict supervision.

From the Table it will be seen that adoption is extremely rare. That may be because in India, as a rule, a person has a large family of his own. Besides caste, even today, has a hold on people. A good family wanting to adopt a child will think twice about adopting a baby whose caste is not known. A third reason may be that though the joint-family is disappearing, the idea of kinship is still strong. A man wishing to adopt a child would most likely look for one in his own family. If he did not, his family members would probably look at him askance for introducing a stranger in their midst when he could have chosen one from his numerous nephews and nieces!

Next in the Table are cases of begging. They are placed under supervision whenever possible; the really needy ones or those in danger of being exploited are committed; but a large number have to be just restored. They cannot be supervised because of the nomadic habits of their parents and they are not committed partly because Certified Schools are invariably overcrowded, so those cases which can go on tolerably well by themselves are let alone; partly because it is felt that under existing conditions it is more constructive to leave them with their parents, specially if they belong to castes like the Kolhati, Dombari, Gondhali, who follow a definite profession.

It is considered wiser to leave these children with their parents because the way of living in the poorest Certified School is approximated to that of the urban poor middle classes and is very different to the way of living of these people. The Bhil, Kathodi and Koli, for instance, are tribes that practically live in the jungles. They come to the towns sometimes to sell small articles and beg. A child belonging to any of these tribes, if brought up within the four walls of an institution, would become psychologically and physically unfit to meet the rigours of jungle life; or a Kolhati child, who is trained to be an acrobat, perhaps even before he can walk, would have no such training in a Certified School, with the result

that these children would find it very nearly impossible to go back to their homes on their release. Thus, such children while being restored to citizenship in institutions, would become irrevocably lost to their parents, and citizenship without a normal home is not worth the name.

Let alone children of the hill tribes or itinerant performers, even children of castes like the Vaddar and the Waghri, who do not specialise in any profession, would find it difficult to adjust themselves after institutional training, because in schools children learn to bathe every day, wear clean clothes, keep their belongings tidy, to mention only the little habits that are foreign to these people. A boy released from an institution would find it very difficult to marry and to make his home with his tribe, because he might not wish to associate with housemates who, he has come to believe, have unhygienic ways. What is true of boys is even more true of girls, because the boys could at least live on their own with their wives and teach them their way of living, but the girls would have to lower their standard to that of their illiterate husbands. It is not even as though these boys and girls stood a fair chance of marrying into a better class after their training, because society is still caste-conscious. In the case of girls there is a further complication. Many of them are married very young in contravention of the Sharda Act; this Act, though it provides for the prevention of early marriages, has no provision whereby such marriages could be made null and void. A marriage once performed is legal and binding. A married girl, therefore, would have to go back to her husband whether she liked it or not. To take charge of a girl, to teach her to read and write, show her a different way of living and then to force her to go back to her husband would be just asking for trouble.

Besides, these people have certain conventions peculiar to their own caste, which are rigidly observed. For example, a Vaddar girl was caught begging. According to Vaddar conventions the women must not wear *cholis* or blouses. Had this girl been committed, her ultimate rehabilitation would have been a problem. In the institution, like the other inmates, she would have had to wear a *choli*, which would have put her out of the community. Some time ago a Vaddar reformist in Sholapur was excommunicated for making his wife and daughters wear *cholis*. Where an influential man failed, an insignificant girl cannot hope to get away. On her release this girl would have found herself an outcaste amongst her own people. A case can usually be deemed successful if at the end of

the period the girl marries or has chances of marrying and leading a normal life. Even had this girl wished, no boy of her own caste would have married her. Vaddars are poor labourers, who rank rather low in the social scale, so Hindu society being what it is, a boy of any other caste would have been difficult to find.

In an old country like India, where society consists of so many castes and creeds, each caste living according to its particular set of conventions, it is not possible to educate children who come from distinct cultural strata in a uniform type of institution. The standard of living of these people has first to be raised by social uplift of whole castes as such. Not individual cases. The State has been taking steps in this direction amongst a few castes, but until such time as cultural differences are minimised, there should be special Certified Schools to deal with such children. There should be one, for example, for children of the hill tribes and the itinerant performers; at least one for children of the agricultural castes and the like as distinct from institutions for children of town dwellers. And though the food and clothing in all the institutions would be about the same, the training given would differ widely.

Under present conditions, if such children are committed, they may find on their release that institutional training has made them misfits in their own class and that social barriers prevent them from being accepted by other classes. A position that has every promise of leading to further delinquency. But given the correct training, children would leave the institutions fully prepared to meet the situation. They would not turn back on their homes but become champions of their cause like Dr. AMBEDKAR. It does not matter very much what they say as long as they say enough to make society conscious of their presence and make it realise that they, too, are citizens to share equally with others all opportunities and privileges.

Runaway children are mostly up-country cases. Whenever possible they are transferred or restored or repatriated. Yet a large number have to be committed, because work under the Children Act not being universal in India, it is impossible to trace their homes or even if their homes are traced, to restore them with any hope of their staying there. Reference to the Table on Region in Chapter II will show that only twenty-five runaway cases are local, of which fourteen are placed under supervision. So the largest number of committed cases are runaway children from outside Poona, and often outside the Presidency. They form 50 per cent of the total destitute and neglected boys committed.

From the Table it will be seen that the three principal modes of disposal are:

1. (a) Restored unconditionally or on bond,
(b) Restored and placed under supervision on probation.
2. Committed.

About 25 per cent of the cases are accounted for by repatriation, transfer, etc.; of the other 75 per cent, 20 per cent are restored, 21 per cent placed under supervision or on probation; 34 per cent committed, this being the largest group; 5 per cent committed to "fit person" institutions and associations; and 29 per cent committed to Certified Schools.

The trend in other countries is for the committal figures to be low. In England and Wales, the percentage of children committed in 1935 was 9, in America in 1928, 16.⁹ The England and Wales figures, however, deal only with indictable offences, and the American figures only with delinquents. But taking Poona figures for delinquents alone, the percentage is still 31. The high percentage cannot be due to the fact that up-country cases make commitment to an institution inevitable, because the Table on Region will show that of the offenders, 75 per cent belong to Poona itself, and 7 per cent to Poona District. It may be that prevailing economic conditions in India and inadequate State measures for child care make commitment necessary in many cases. Figures for the probation of delinquents in England and Wales, America and Poona, are about the same, but the percentage of delinquents bound over without supervision (restored) was in England and Wales 32, in America 29 and Poona 11.

In Poona children are restored when more constructive treatment is not possible or not necessary, but probation and commitment to an institution are important methods of dealing with children before the Court and each is described in detail.

PROBATION

THE legal basis of probation rests on the power of the Court to suspend conditionally the imposition or the execution of the sentence. In the case of adults, as usually applied, it amounts to little more than letting a man off on his word to behave himself, but in the case of juveniles probation is the most important item in the social programme of the Juvenile Court.

⁹ *Op. cit.*, p. 205.

It is not something amounting to a form of leniency or acquittal, as most people seem to imagine. It has a positive value in that the Court helps the young offender to adjust himself to his surroundings. The delinquent is restored to his guardians on certain conditions, like being sent to school or being employed, and is placed under the friendly supervision of the Probation Officer. ELKIN says of probation, "It is the only method open to the Courts, which provides a means of re-education without the necessity of breaking up the offender's normal life, and removing him from his natural surroundings. It is in this that its special value lies."¹

The minimum probationary period, except in a few cases, if a permanent "cure" is to be effected, has been found to be about a year. Some Juvenile Courts define the period at the beginning and some let it depend on the good behaviour of the probationer. Under the Bombay Children Act the outside limit of the period of probation is three years, but the Poona Juvenile Court has almost without exception ordered probation for one year.

To achieve results in probation, the Juvenile Court and the Probation staff are called upon to make a definite effort. To begin with, when a child is being placed on probation, the Court should carefully explain the conditions to him and his parents, and they should also be made to understand that the Probation Officer is not a policeman keeping a watch on them, but is there for the express purpose of helping them and so they should not hesitate to consult him on any difficult matter. This is important because if probation is to be successful, active co-operation of the parents and the child is very necessary.

As stated elsewhere, a report of the child's home conditions, circumstances of the offence, etc. is made to the Juvenile Court in each case before deciding how to deal with it. If the child is to be placed on probation, the Probation Officer makes suggestions for treatment based on this report. It would be helpful if the Probation Officers worked out a plan as suggested by MANSFARDT,² "The better procedure is for the probation department to work out a plan of treatment for each individual probationer, on the basis of his social case history. Thus in any given case, the Probation Officer might attempt to balance the assets, as he sees them, against the apparent liabilities, and then to suggest certain treatment objectives.

¹ *English Juvenile Courts*, p. 163.

² *Op. cit.*, pp. 157, 158.

"The summary might be somewhat as follows:

<i>Assets</i>	<i>Liabilities</i>
1. Good home atmosphere	1. Physical defect
2. Good school record	2. Bad companions
3. Child and parents co-operative	3. Neighbourhood with a tradition of delinquency
1. Attempt to persuade the parents to move to a more wholesome neighbourhood.	4. Lack of wholesome leisure time activities

OBJECTIVES

2. Arrange for needed medical attention.
3. Endeavour to get the child enrolled in a supervised playground or neighbourhood recreation centre.
4. Endeavour to enrol the child in a Scout troop.
5. Endeavour to enlist the interest of the parents, particularly the father, in providing for a more constructive use of the child's leisure time."

It should be remembered, however, that the plan must always be flexible for, as the Probation Officer studies the case further, new complications may arise, to meet which he should be prepared to change and to rechange his original plans.

Whatever the Probation Officer proposes should be explained to the child, also the reasons for doing it, and should carry with it the approval of the child himself, as far as possible. The child has to be made to take a lively interest in his own re-education.

The Probation Officer should make frequent visits to the child's home to see how he is getting on; the frequency of the visits depends naturally on the cases, but once a month is the minimum in any case. He should discuss matters with the parents and the child, and should some help be required, offer constructive suggestions. The Bombay Children Act enjoins the Probation Officer to "advise, assist and befriend the child."¹ Actually he should go even further and befriend the whole family. Someone in the family may need medical help. The father may be without employment, and the Probation Officer may know where a job can be secured. Maybe the brothers and sisters should be placed in a school. Whatever the difficulty, the Probation Officer should try to find a solution.

Should the Probation Officer find that the child's conversation is hampered by the presence of his parents or relatives, he should ask

¹ Section 24 B (d), p. 22.

the child to report to him at a convenient place away from the Court, where he could have a quite uninterrupted half-hour with him. For he must have some knowledge of the child's personality; his hopes, his ambitions, his fears, his thwartings, his moral outlook. The Probation Officer's task is to bring to the surface the causes of the conflict which is driving the child towards delinquency. This can only be done when he wins the confidence of the child to the point where the child himself discloses his inmost thoughts about things and people.

But sometimes the emotional entanglement of a child defies even the most sympathetic Probation Officer, and in such cases a psychiatrist's help is necessary.

Since the success of probation depends to such an extent on the Probation Officer, he should be most carefully chosen. The first requirement is that he should be suitably educated and have a thorough knowledge both theoretical and practical, of his work. The Probation Officers in the Bombay Province are usually recruited from graduates from College or its equivalent, or from a school of social work. Social training is at present given by only one school in Bombay, the Sir Dorabji Tata Graduate School of Social Work, which gives fairly intensive training in all branches of Sociology. The University Settlement for Girls in Bombay also has a six months' course in social work. But probation requires specialisation and the Juvenile Branch at Poona conducts a short course in Probation, with an examination at the end, which the would-be Probation Officer is required to pass.

In probation, technical knowledge is not all. The Probation Officer should possess a good personality. "The Probation Officer needs to be competent in practical detail, to have initiative and imagination, to get on well with all sorts of people and to have both force of character and finesse of character."⁴

There are two ways of getting things done. One is by issuing commands and expecting them to be obeyed. The other is by winning the good-will of the people and with their co-operation leading them towards a common goal. Probation calls for leadership and a Probation Officer should be a man or a woman capable of arousing and holding the loyalties of the probationers so that they follow his guidance willingly and with confidence.

One reason why a good Probation Officer may succeed where parents have failed is that he is in a position to approach children

⁴ ELKIN, *English Juvenile Courts*, p. 198.

by way of leadership. The father and the mother are symbols of authority. Their requests become in the nature of commands which children are likely to resent. But the Probation Officer's relationship with the children is on a basis of friendship. If he is accepted as a leader, it is because the children themselves recognise his ability to lead. He does not occupy his position by mere force of circumstances as in the case of the parents.

Another reason is, of course, that the Probation Officer is specially trained to handle children and the parents are not; but a third reason, which is also important, is that parents are too close to their own children to judge them correctly. Their own emotions may lead them to give exaggerated importance to certain events or belittle the significance of certain others, whereas the Probation Officer's interest in the children is impersonal. He can weigh a situation without getting involved emotionally and see things in their proper perspective.

MANSIARDT⁵ has enumerated certain personal qualities which a Probation Officer should possess. Amongst other things he says, "The probation officer should be a person with a sound physical constitution. The strain of dealing constantly with people in need of help saps one's vitality, and unless attention is paid to physical renewal, the quality of work is sure to suffer. The probation officer must be at peace with himself. One cannot assist in resolving the conflicts of others, who is one's self in mental and emotional turmoil. The worker should be a person of poise and self-confidence. There is a difference between a blatant egoism and a legitimate faith in one's own abilities. . . . He will have a genuine enthusiasm for his work—an enthusiasm which is grounded in full knowledge of the realities of the situation. He will be alert and resourceful. When a plan is not working, he will not hesitate to make necessary changes. He will not be afraid to assume responsibility."

Besides training and a suitable personality, there are other practical considerations that count. A would-be Probation Officer should be thoroughly conversant with the customs and the languages of the people whose children he is to supervise. Only then will he be able to win their friendship and by a proper understanding of their worries offer constructive help. To facilitate his own work, he should have an idea of the geography of the town. He should be able to tell the localities by their popular designations; he should know the

⁵ *Op. cit.*, pp. 189, 190.

desirable neighbourhoods and the undesirable ones. Hence he should, as far as possible, be a local man.

For successful probation, a worker has, one might say, to prepare the field for his probationers. He must familiarise himself with the characteristics of the different quarters of the town to be able to advise his probationers as to the most suitable. He must find out what possibilities the town offers for education, medical aid, recreation, by cultivating the acquaintance of other social workers connected with social and child welfare agencies. He must keep in touch with shop-keepers, building contractors, mill managers, who would be helpful in securing work for his probationers. He must make himself a well-known, often-seen figure so that less and less people grow suspicious of him and respond to his requests more readily. A Probation Officer, therefore, should not be transferred unless the transfer gives him scope for further studies and helps to enrich and widen his experiences. Moreover, when transferred, he should be sent with the understanding that he is to return to his own post. A man who is sent from place to place will have no time to develop the contacts, neither will he be inclined when he knows that he will have to start all over again in another town. One year when there were frequent changes in the Poona Probation staff, the percentage of failures, according to a Probation Officer, rose to more than fifty!

A Probation Officer is specially trained for his work, hence he should not be shifted to a position behind the desk, but it should be made *worth his while* to remain a Probation Officer. In this country too much stress is laid on self-sacrifice and social workers are paid notoriously low salaries. In the Province of Bombay the scale of pay for a Probation Officer on the Government cadre is Rs. 75-5-135; those employed by the Associations get even less. If the best type of people are to be secured and kept without being exploited, it is evident, their compensation should be more adequate.

In fairness to the Probation Officer, he should have a few cases at a time to handle, so that he may do full justice to each. About forty to fifty cases are considered a reasonable case-load. In Poona the average case-load is about forty, but the Probation Officers also make all preliminary inquiries about cases before the Court; supervise licencees from Certified Schools; supervise licencees from Borstal as well as make necessary inquiries before their release, and in addition do all the clerical work of the District Probation and After-Care Association. Statement to the effect that the Probation Officers should be relieved of clerical work, which rightly belongs to the

honorary executive officers of the Association, was made in the Report of the Juvenile Branch for the year 1939-40,⁶ but it seems to have made little impression.

Since probation is quite a physical and mental strain, the Probation Officer should have sufficient holidays to enable him to come back with renewed energy and enthusiasm. Though theoretically a Probation Officer in this Province is allowed ten days' casual leave, and one month's privilege leave, Probation Officers in Poona consider themselves lucky if they can be spared for a week or a fortnight once a year!

A Probation Officer must keep his knowledge up-to-date by reading whatever fresh contributions the various sciences like psychology, criminology, etc., have made towards probation. Every District Association should make it its business to see that good literature on the subject—journals, recent books, Government publications of other countries—are placed within the reach of its Probation Officers. Comparative study helps to raise the standard of work.

Voluntary Probation Officers may be employed occasionally, but the bulk of the work should always be in charge of the paid staff. Voluntary Probation Officers have this to their advantage that they have only a couple of cases to supervise and can thus give each more individual attention.

⁶ *Ibid.*, p. 11.

CHAPTER IV

DISPOSAL CONTINUED—INSTITUTIONS

Part VI of the Bombay Children Act states:

"Sec. 34(1) The Provincial Government may establish and maintain industrial schools for the reception of children and youthful offenders.

"(2) The Provincial Government may certify that any industrial school or other educational institution not established under subsection (1) is fit for the reception of children or youthful offenders."¹

Every Certified School must be inspected by the Chief Inspector of Certified Schools or by an Inspector or Assistant Inspector at least once in six months, institutions for girls only wherever practicable to be inspected by a woman.

Every Certified School is liable to inspection at any time in all its departments by the Inspectors or by any member of the Provincial Legislature or any member of the Central Legislature representing the Province.

A Certified School may also be inspected at any time by a medical practitioner empowered in this behalf to report to the Chief Inspector on the health of the inmates and sanitary conditions of the school.

In addition, the Government Educational Inspector of each division is also to be an Inspector of Certified Schools within his division for carrying out purely educational inspection. He is to receive his instructions from, and submit his report to, the Chief Inspector of Certified Schools, through the Director of Public Instruction.²

The industrial classes attached to Certified Schools are to be examined by the Committee of Direction for Technical Education and an Inspection Report to be submitted to the Chief Inspector through the Inspector of Certified Schools.³

The Provincial Government, if dissatisfied with the management, condition or rules of a Certified School, may withdraw the certificate, or prohibit the admission of children to that school until such time as notice is revoked.

¹ Page 32.

² *Bombay Children and Juvenile Courts Rules, 1936.*

³ *Ibid.*, Rule 10, p. 3.

The managers of the Certified School, on their part, may resign the certificate on giving six months' notice in writing to the Provincial Government through the Chief Inspector.

At present there are about twenty Certified Schools. Of these only one, the Yeravda Industrial School, is maintained and run by the Provincial Government. Two other institutions, that is, Chembur Children's Home and the David Sassoon Industrial School, are maintained by the Government, but are under the management of the Children's Aid Society in Bombay. Another institution, the Sholapur Certified School, is maintained and managed by the Government, but it has been established under the Criminal Tribes Act, and only certified under Section 34(2) of the Bombay Children Act.

All the other institutions are run by voluntary agencies. They admit only a small number of Court committed children, the rest being private admissions. These voluntary institutions receive capitation fees in respect of each child committed to their care.

A complete list of Certified Schools with information regarding their numerical capacity, the trades taught, grants received, etc., is given in the report on the work of the Juvenile Branch each year, so it has not been thought necessary to describe each in detail here.

Of the twenty institutions, about nine are for girls only. But all these are voluntary institutions which admit a small percentage of Court committed children. They accept those girls alone who would adapt themselves reasonably well to institutional discipline. For the really difficult type of girl, there is as yet no Certified School. The Poona Juvenile Court usually commits such cases to the Mahila Seva Gram, Poona, on a "fit person" basis.⁴ Some of these institutions for girls also admit small boys and keep them until they attain the age of twelve or thirteen years, when they are transferred to some other institution for boys.

About five institutions are for boys only. Three of these, the Yeravda Industrial School, the David Sassoon Industrial School and the Chembur Children's Home are large institutions wholly for children committed under the Bombay Children Act. The first two are institutions to which the tougher cases are usually sent.

The rest are voluntary institutions which admit both boys and girls. They are rather exclusive and accept only a small number of young children, with good antecedents, often of a specified community.

From the above resume it will be evident that the Provincial

⁴Reference to this institution will be made in a later chapter.

Government relies considerably on the co-operation of private agencies for the institutional care of delinquent and destitute children. The merits and demerits of schools maintained by voluntary agencies and by the Government will become apparent as the chapter proceeds.

The period for which a child is to be detained may be such (not less than two years in the case of a youthful offender over fifteen years of age and not less than three years in the case of other youthful offenders) as the Court may think necessary for his teaching and training, but in any case it may not extend beyond the time when, in the opinion of the court, the child attains the age of eighteen years.

It may be noted that a child is committed in order to be trained and taught, unlike an adult who is imprisoned in order to be punished. The length of detention in an institution, therefore, has little to do with the offence. Most Juvenile Courts rightly believe that the best judge of whether a child is sufficiently taught and trained is the Superintendent of the institution to which the child has been committed. As the Bombay Children Act allows release on licence any time after the expiry of the first six months of the detention period, most Courts commit the child for the full term, that is, until eighteen years of age, and leave the release to the discretion of the Superintendent and other authorities of the institution. On the face of it, therefore, it appears as though the detention period depended on the child's age. Thus a child of fifteen years, who has committed a theft, may be detained for three years, whereas a twelve-year-old runaway may be sent to an institution for six years.

Under the Act no child may be detained beyond the age of eighteen years. As the age of civil majority is twenty-one years, it implies that no parent is to be deprived of his guardianship rights altogether. The question has arisen whether in cases of grave neglect, where the attitude of the parents does not change, the parents should not be made to forfeit all claims on a child and the child made a ward of the committing Juvenile Court until majority. It has been found that restoring a child to such parents at eighteen, often renders ineffective whatever good institutional training may have done him. Besides, as the law stands, even while the child is in the institution, in all matters of importance the parents have to be consulted in case they undo anything that does not meet their approval once the child is eighteen years.

This interference of parents is the direct cause of failure in some cases. It is especially true of girls and the two following cases are typical instances: An Anglo-Indian girl, aged fifteen years, was

found to be in moral danger because of her mother's association with some soldiers. The girl was committed to an institution where she was doing very well. She would also have been married to a boy of her choice but the mother stepped in and upset all the plans, with the result that at eighteen she went back to her mother and has fallen into the moral disrepute from which the Juvenile Court had tried to save her.

In another case, a twelve-year-old Maratha girl and her eleven-year-old sister were committed because they were in grave moral danger at home. They had been assaulted by their mother's paramour (the mother was aware of it) and both were diseased. It was also believed that the mother exploited the elder sister by getting her employed with people of a doubtful character. In the institution both the little children were treated and have grown up to be nice, healthy young girls. As the elder sister will be due for release in a year or so, the managers of the institution are trying to get her settled, but all their efforts are of no avail because the mother has influenced the girl into a sullen mood which makes it impossible to do anything constructive for her. She does not want to get married and neither does she wish to study.

The training a child should receive in an institution has been described in the Report of the Child Welfare Committee of the League of Nations. This Report was referred to in connection with Juvenile Courts, and is quoted at length again because the conclusions arrived at therein are based on a study of the problem in forty Western and Eastern countries. It reads:

"The Advisory Committee feels that:

"(i) Every child ought to be given in the institution an opportunity of religious training and education in the faith to which he belongs;

"(ii) Every child ought to receive in the institution the mental training adapted to his age and degree of intellectual development.

"On the basis of the information collected, it may be asserted that, in most countries, the teaching is equivalent to that given in elementary schools. In this connection, it is particularly noteworthy that some institutions give their abler inmates opportunities of secondary and even university education, and also afford inmates who are specially gifted the chance of developing their talents (art, music, languages, etc.).

"Very valuable also is the system of scholastic education under which provision is made for some of those under training who are

mentally subnormal or educationally backward to receive instruction in special classes or schools.

"As regards older inmates who are nearing the end of their period in the institution, a method which is extremely interesting and useful, as applied in some institutions, is to give such inmates special extra lessons on current events and information regarding social requirements (civil rights and responsibilities, social insurance, savings-banks, labour exchanges, etc.). This extra training may be given either in the form of appropriate courses or of special talks, wireless lectures, reading of daily newspapers, etc. The co-operation in this work of outside child welfare associations may be useful.

"(ui) At a suitable age, every child should be given practical vocational training while in the institution.

"It should be emphasised that, in the training of neglected children and of those in moral danger, the work factor, so prominent in all training institutions, acts as the main source of social regeneration, and at the same time constitutes a practical basis for independent life in the future.

"The question of a suitable choice of vocation is therefore fundamental, and it is essential that in this choice there should be taken into account, not only the child's inclinations, but also his capacities, and the conditions of the labour market. The system has been adopted with advantage in some countries of ascertaining vocational aptitude by psychological tests.

"Among the various systems of vocational training, a particularly interesting one is that of apprenticing (often for wages) the older inmates outside the institution, this system being at the same time one of the ways of gradually adapting the pupils to normal life in society.

"In many countries, the question of the relation between the wages paid and the work done by inmates in the institution in the field of vocational training takes the form of granting them either a regular remuneration or periodical bonuses; in both these systems, some of the money is deposited in the minor's savings-bank account, thus forming a nest-egg which will be returned to him on leaving, while the remainder is given as pocket-money to use as he likes.

"This form of procedure, which, within the limits of a modest budget, permits the inmate to become accustomed both to saving money and to spending it wisely, is of special interest from the standpoint of practical preparation for a future life of independence."⁵

⁵ *Principles Applicable to the Functioning of Juvenile Courts and Similar Bodies, Auxiliary Services and Institutions*, pp. 16, 17.

The Government of Bombay, it was pointed out, relied considerably on voluntary institutions for the care of Court committed children. Since most of these institutions admit only certain communities, they automatically provide for the proper religious education of children committed to their care. But that cannot be said of large institutions of the type of the Yeravda Industrial School, the David Sassoon Industrial School and the Chembur Home, where children of all communities are detained, even though these institutions undoubtedly make arrangements for the religious training of each child in his own faith.

Impersonal religions, like the Hindu religion, cannot be taught from pulpits. They have to be imbibed from the cultural surroundings because culture and religion are closely interwoven. The heroes in the books are also the gods. The important holidays are festivals of the gods. A Hindu child is not given solemn lectures on his faith. By reading his story books and by celebrating Ramnavmi he comes to know who Rama was; by observing the Shivratri fast he learns of Shiva; Gokul Ashtmi teaches him of Krishna.

Even revealed religions, like the Christian and the Muslim religions, which can be preached, are better taught in their own cultural environment. In this connection it may be pointed out how Christians, very wisely, prefer their children to be sent to Christian schools and Christian schools of that particular denomination to which they themselves belong.

In a school which admits a culturally homogeneous group, a child comes to know his religion by living it. He observes the various fasts, feasts—feasts mostly—and rituals and gradually grows aware of their significance. Religion is not something far removed, of which he is told from a platform, but something that is actively concerned with him, governing his habits.

In large cosmopolitan institutions it is obviously impossible for children to live their respective religions. They can only be instructed in their faith on certain days of the week. And the absurdity of imparting religious instruction through lectures will be apparent specially as the majority of the children lectured to are Hindus. In large institutions, therefore, religious instruction as such may be set aside for the time-being and more attention paid to the building up of national consciousness by instructing children on the historical past, by holding up national figures as examples to be followed, and by observing the bigger Hindu and other religious festivals. The moral tone of the institution may preferably be set by

education in co-operative living through co-operative activities in school rather than by lectures on religion which are at all times tedious and particularly out of place with the type of children dealt with here.

One major difficulty that is met with in large, cosmopolitan institutions, is the multiplicity of languages that have to be taught. Voluntary institutions, which admit only Marathi-speaking children, like the Shahu Chatrapati School, Satara, or Kannada-speaking children like the Certified School, Hubli, have a material advantage in that they have to teach only one language.

The Province of Bombay consists of the three large cultural regions of Maharashtra, Gujerat and Kannada. Hindu children from these three cultural regions and children belonging to other communities, notably the Muslim community, not to mention the children from other Provinces, are all admitted in a large cosmopolitan institution. As a consequence, one institution, like the Yeravda Industrial School, has to cope with Gujerati, Marathi, Urdu, Kannada and elementary English!

Moreover, when children of all communities are housed together in a large institution, they may find that they have no religion in common, no language in common, no festivals in common. In fact, the only thing that they share, that brings them together, is their experience in delinquency, and children who go in as individual delinquents, stand in danger of coming out as gangsters.

In order to prevent delinquency from forming a bond in the future, it is further thought advisable not to have institutions exclusively for delinquents. For this reason, also, it would seem that voluntary institutions, which admit other than Court committed children, have an advantage over large Certified Schools maintained by the Government. But it must be remembered that voluntary institutions should make no distinctions between Court committed children and private admissions. If the Court committed children are grouped together, the very purpose for which they are sent to a mixed institution is defeated.

As regards mental training, elementary instruction in the three R's is given in every school because a large percentage of committed children are illiterate.* As some of the illiterate children are quite old, school authorities are advised in the Juvenile Branch Report for 1939-40, to consider adult education methods of instruction for bigger children. It also recommends regular evening classes for

* According to the Report of the Yeravda Industrial School for the year 1940-41, 44 per cent of the children admitted could neither read nor write.

children on full-time crafts, to prevent them from forgetting all that they have already learned.⁷

Arrangements for secondary education are made in all voluntary institutions of the mixed type. Children are either taught on the premises or, more frequently, sent to outside schools. University education has never been given in any case because the need for it has not arisen. It may arise in the near future because a Mahar girl committed to a voluntary Certified School has been showing exceptional brilliancy at her studies. But, perhaps by the time she completes her school education, she will have passed the age limit of eighteen years.

Almost every school has classes in drawing and music, but there has been no instance of talented children being given special training in a School of Art or under a music artiste.

Only one institution, the M. D. Annexe of the Chembur Children's Home, provides for the education of subnormal boys and girls. It deals with educible mentally deficient. Those with serious psychoneurotic conditions are, it is stated in the Children's Aid Society's Report for 1940, "a problem too big for handling by children's institutions."⁸ Such children are sometimes sent to a mental asylum or committed to ordinary institutions to carry on as best they can.

Most institutions encourage interest in current events and general knowledge by editing school magazines and subscribing to newspapers, but it is doubtful whether any institution gives special lectures to older inmates, about to leave.

Vocational training is given mainly in the three Government maintained schools: Yeravda Industrial School, David Sassoon Industrial School and Children's Home, Chembur.

The Industrial Schools instruct children in various trades like carpentry, smithy work, tailoring, cane work, but as CLIFFORD MANSHARDT has said, "Institutional attempts at vocational training have not been attended with any marked success."⁹ Work is the foundation on which the rehabilitation of delinquents is to be built. Children turned out by these institutions, therefore, should be skilled workmen who would be able to withstand competition outside the institution. Instead, it is found that children leave the institution with a barely sufficient working knowledge of their trade. This is apparent from the fact that very few children follow the trade.

⁷ Page 13.

⁸ Page 29.

⁹ *The Delinquent Child*, p. 231.

they have been taught. In the Report of the Yeravda Industrial School for the year 1940-41, only twenty-seven out of 195 children, were stated to be occupied in the vocation taught!

To make specialised training possible, industrial schools in England are "expected to concentrate on not more than three forms of vocational work."¹⁰ Reference to the Report of the Juvenile Branch for the year 1940-41 will show that the Yeravda Industrial School and the David Sassoon Industrial School have each a list of about eight to nine trades taught, of which about five trades are taught in both. If at least these two industrial schools divided up the trades and specialised in those trades only, it would lessen the number of trades taught in each school.

The Children's Home, Chembur, instructs children principally in basic crafts and elementary agriculture. The idea is that, after three years of training, those boys who show aptitude could be transferred to city schools; the others could be trained at the Home, in village colonies, in agriculture and simple crafts, which would enable them to make a living on a village scale. When a colony is properly trained, it is proposed to transfer it to a district in the Province.

Since the institution started functioning only in September, 1939, it is not possible to say how far the scheme is likely to succeed. But it may be mentioned that the Chembur school houses children of all castes and creeds, from every part of the Province and often even from outside it. If the Farm Colony is to be transferred bodily to a district in the Province, the Farm Colonies, in the first place, will have to be most carefully grouped according to the cultural background of the children. When the Colony is transferred, it stands to reason that it will have to be transferred to its own cultural setting.

All girls' institutions except one for Roman Catholic girls, fail to give practical vocational training. It may be that the solution of a girl's problem lies more in getting her suitably married than in getting her suitably employed. But all those schools which do not provide secondary education should give proper vocational training if, for no other reason, but to keep the girls well occupied while in the institution.

The choice of vocation is more or less haphazard. It is not decided by any ability tests but depends, as a rule, on the child's inclinations and his father's trade. The system of apprenticing for

¹⁰ C. S. CANNERY, *Young Offenders—Yesterday and Today*, p. 88.

wages has been successfully introduced in the two Industrial Schools. One of the boys committed to the Yeravda Industrial School by the Poona Juvenile Court, had collected about Rs. 64 three years before his release was due, by working as a tailor.

Occasionally a promising inmate is given the opportunity of developing his abilities. For instance, a boy of a mechanical bent was found an apprentice's job in the College of Engineering. An intelligent girl who did well in school, was sent on a training course for nurses to one of the hospitals in Bombay. But such special training should be the rule rather than the exception.

Physical training and recreation must also be important items in a Certified School routine, because the rational utilisation of these factors not only serves to strengthen the physical health of the inmates, but is also one of the factors in forming their character. It is stated in the Report of the Juvenile Branch for 1940-41, that almost all Certified Schools arrange for excursions to outside places of interest as well as for indoor entertainments.¹¹ Almost all schools have facilities for athletic sports, organised games and physical training. But such facilities differ widely in different institutions, and are found to be best in those schools which are maintained by the Government. The Yeravda Industrial School, for example, has a "cub-pack," a scout troop; it arranges a well organised camp in the open for four days at the end of every year; the children are given regular physical training; they play cricket, hockey, *hurutu* with outside teams; occasionally they are taken to attractions like a Circus or a Fun Fair, if any happen to be in town; several magic lantern lectures are delivered, etc. All this is possible only in a Government maintained institution because the voluntary institutions are not in a position to afford it. But it is not important that children should play hockey or cricket; they could very easily play some other games which do not require costly equipment; if organised camps are too expensive, a day's outing somewhere nearby will do equally well. What is important is that a child's life in an institution should be varied and full; monotony as was pointed out in an earlier chapter, leads to delinquency. Most of the institutions to which boys are committed, seem to have grasped the importance of recreation, but some girls' institutions specially of the type of Rescue Homes which are established primarily to give shelter to adult women, seem to make little effort to enliven the daily routine.

Proper training is only possible in institutions with an adequate¹²

¹¹ Page 17.

and qualified staff, which, according to the Advisory Committee of the League of Nations, must be "recruited from persons of high principles, possessing special pedagogical training and, if possible, training in social work and with a sense of vocation. Training for their profession must also be based on a certain amount of practical experience."¹² Teachers in a Certified School have a harder task before them than teachers in other schools. They have to deal with the whole child, because they are in constant touch with him from one year's end to another, unbroken by long holidays and home influence. They cannot forget his outside interests, ambitions, likes and dislikes.

Good promises and sound organisation are undoubtedly important for all well being of the inmates, but the spirit of the establishment requires most careful cultivation. The personality of the inmates should develop in an atmosphere of affection, trust and happiness. According to a children's magistrate in London, "There is much to be learned from conversation with the staff of an approved school. Their attitude to their job is a far better test of the quality of the school than the adequacy of the equipment or the number of the bathrooms. The personality of a good headmaster or headmistress is reflected throughout, and whereas some people are prone to judge an approved school by its physical characteristics—which are not unimportant—the discerning visitor will be constantly on the watch for indications of the tone or SPIRIT which prevails. . . . And that spirit is something which is revealed, not by bricks and mortar, but by such little things as a child's smile when you nod to him in the play-ground, the way the headmaster talks to his boys, above all, I think by the way he talks ABOUT them."¹³ Another magistrate thinks that "the fitness of a superintendent for his position is of such paramount importance that it must be secured at all costs, even if it involves the closing of the school."¹⁴ It is common experience in the Poona Juvenile Court that at certain times, given the choice, children prefer to be sent to a certain school, the popularity of the school depending on the popularity of the Superintendent.

The Superintendent's post is important because the Superintendent can also contribute considerably towards the future welfare of the inmates. Through his efforts he can get the boys employed on their release or find suitable young men for the girls. A successful

¹² *Principles Applicable to the Functioning of Juvenile Courts and Similar Bodies, Auxiliary Services and Institutions*, p. 16.

¹³ J. A. F. WATSON, *The Child and the Magistrate*, p. 154.

¹⁴ W. C. HALL, *Children's Courts*, p. 156.

lady Superintendent has a list of marriages to her credit and it was undoubtedly a personal triumph when she managed to secure a one-eyed boy for a one-eyed girl!

The Advisory Committee quoted above also states that "as the co-operation of women in forming the character of children imparts to that training special elements, it would seem advisable not to deprive neglected and delinquent children of this valuable influence, and to arrange, according to the special circumstances of the case, for women to take part also in teaching in the institutions for boys.

"Moreover, there is no general objection to the employment of men qualified for certain branches of instruction at institutions for girls."¹⁵ Except for the Chembur Children's Home, which is built on a cottage plan, few institutions employ persons of the opposite sex on the staff to any large extent.

As far as the staff is concerned, a Certified School maintained by the Government has an undeniable advantage over voluntary institutions. The salaries in a Government Certified School are more attractive. The Superintendent of a Government Certified School gets a salary of about Rs. 200 per month which is not good enough considering the requirements of a Certified School Superintendent, but is certainly more than that which most of the voluntary institutions would be able to pay. Besides, the staff members of a Government institution enjoy all the advantages like pension, provident fund, etc., of Government service.

One disadvantage, however, is that the staff members of a Government institution are liable to be transferred. It has been shown how important a part the teacher of a Certified School plays in the lives of the inmates. He has to fulfil the duties of a teacher, a parent and a friend. It will be understood, therefore, how undesirable it is to deprive the inmates of somebody whom they have come to know and trust, by transferring him. A change in the staff is invariably followed by a period of restlessness amongst the inmates. Some time ago the Poona Juvenile Court was faced by a number of absconders from a Certified School whose lady Superintendent had been transferred to Poona.

The Advisory Committee also recommends the employment of doctors, preferably specialists in psychopathology of children and psychologists. Practically no Certified School has a full-time medical man on its staff. On the whole, medical attention is better pos-

¹⁵ *Principles Applicable to the Functioning of Juvenile Courts and Similar Bodies, Auxiliary Services and Institutions*, p. 16.

sible in a Government school because such a school can utilise the services of the Civil Surgeon and have easier access to the facilities provided by a Civil Hospital. In the Yeravda Industrial School all the boys are weighed and physically examined once a month, and monthly returns of the sick boys are sent to the Public Health Department.

The services of a psychiatrist are available only in Bombay. The recent decision of the Bombay University to start a Diploma Course in psychiatry will perhaps make it easier for Certified Schools to include, at least in a part-time capacity, a psychiatrist on the staff.

Institutional treatment has many drawbacks in that the inmates of a large establishment often have no opportunity of shouldering responsibilities, showing initiative or exercising forethought, and many enjoy no private life of their own. A few institutions do a good deal to lessen the disadvantages by leaving as much of the management of the school as possible in the hands of selected inmates; by allowing minor offences to be dealt with by the boys or girls themselves; by sending the children on responsible errands outside the school; by generally encouraging habits of self-reliance and quick thinking.

The so-called cottage-home system institutions, which are common in America, are noteworthy because they minimise to some extent the disadvantages of institutionalism. According to this system, the inmates are housed in little cottages grouped on a campus. The numerical capacity of such institutions is usually large, but the cottage-unit does not consist of more than twenty-five to thirty children, who are grouped together according to age, character, inclinations and other factors. Each cottage is looked after by a matron so that the atmosphere of the institution may be approximated as closely as possible to the atmosphere and condition of a desirable home.

In the Province of Bombay the only school based on the cottage plan is the Children's Home, Chembur. The number of inmates has not reached maximum capacity yet, but there are thirty "huts" to accommodate about six hundred children. The "huts" are grouped in units of two and supervised by a Matron, assisted by a member of the school staff. An open institution needs to be even more adequately staffed and well supervised to succeed. A great deal depends also on the wisdom and sympathetic understanding of the Matron. So far the rate of abscondings from this school has been quite high. Out of the total number of 171 children who

were reported to have absconded during the year 1940-41 from all Certified Schools, 155 were from Chembur Home, alone.¹⁶

It is rather early to say anything yet, but it may be mentioned that the "huts" have only a faint suggestion of "home." Their construction reveals very little imagination and they are all identical, built in a double row one behind the other. During the Conference of the Juvenile Branch in January 1942, such of the Public as wished were given the opportunity of visiting the Home. What struck one most then was the rather cheerless atmosphere of the place. Incidentally, it is interesting to note that in Germany, before the war, the number of cottage-plan institutions was insignificant, but the cottage-family result was achieved by putting up suitable partitions in the large rooms of ordinary institutions. The "cottages" were used in such a way that as far as possible, each family had its own dormitories, assembly and work rooms, etc., together with a special entrance.¹⁷

Another grave defect of institutional training is that life in a school is apt to be artificial and divorced from realities. The various ways in which inmates of an institution may keep in touch with the outside world such as leave, visits of relatives, attendance in outside schools, work outside the institution, excursions, sports, competitions, break the monotony of day-to-day routine and are also effective in re-adapting neglected and delinquent children to society.

It is suggested by the Advisory Committee of the League of Nations that "those in charge gain breadth of view and better understand the conditions which await the young people under their care if they establish contacts with the world outside. They should constantly compare the standards and mode of life outside with practices obtaining in the institution, and should adjust institutional habits, whether in matters of importance or in detail, to those standards."¹⁸

This question of adjusting the standard of living in schools to conditions outside has even greater significance in India because the standard of living of the poor here—and it is their children mostly who are sent to these institutions—is so much lower than in Europe or America. In Western countries the standard of living in schools can afford to be higher than the standard of living outside because as WILLIAM HEALY has pointed out, there, the emptiness of home

¹⁶ *Annual Report of the Juvenile Branch, 1940-41*, p. 15.

¹⁷ *The League of Nations Child Welfare Committee, Institutions for Erring and Delinquent Minors*, p. 19.

¹⁸ *Principles Applicable to the Functioning of Juvenile Courts and Similar Bodies, Auxiliary Services and Institutions*, p. 14.

life in healthy interests is partly due to poverty, but undoubtedly ignorance is more directly responsible, and the question of getting the right things is more one of intelligence than of the amount of money spent.¹⁹ The children and parents could be taught to spend wisely. In India, about 80 per cent of a poor man's budget goes in food which leaves very little with which to pursue healthy interests or buy the right things. A child, therefore, who is used to good meals and cricket and radio programmes is bound to fail when restored to his parents. The contrast is too great.

It is by no means suggested that the standard of living in schools should be lowered to that of the children's homes because that would mean denying them even bare necessities. It is a crime for any State and Society to let any of its members live as wretchedly and poorly as a large number do in India, and if their children come for help, it is but right that the State and Society should at least give them adequate care while under their protection. Every Certified School should give the inmates decent food and clothes and teach them to lead fuller lives, but that should not be such as to alienate them from their homes.

The Advisory Committee suggests further, "With a view to the inmate's return to normal social life, it is essential that his ties with his family should not be broken, as the breaking or excessive weakening of those ties might be followed by an unfortunate loss of family instinct and the creation of an atmosphere of mutual indifference between the child and his family circle. For these reasons, it would seem indispensable that, while in the institution, inmates should, as far as possible, keep in touch with their families to the extent determined by the Board of the institution in each particular case, according to the special character of the child and the nature of the family circle, and not according to predetermined rules."²⁰ Almost all institutions, unless definitely forbidden by the committing Court, encourage correspondence of children with their families, and visits of relatives and parents. But the parents of most children are illiterate and seldom write. They cannot visit them either, because they usually live in a distant place and can ill afford the journey. Therefore it does happen that many children lose touch with their families. Under the Children Act inmates may be sent home on leave but the Bombay Children and Juvenile Courts Rules lay down that the period must not exceed three days at a time subject to the

* *The Individual Delinquent*, p. 298.

* *Principles Applicable to the Functioning of Juvenile Courts and Similar Bodies, Auxiliary Services and Institutions*, p. 17.

maximum of nine days in a year exclusive of the time required for travelling.²¹

The granting of leave seems to be unduly strict. It would be far better if, as advised by the Committee, it were determined in each particular case. G. S. CADBURY mentions that the granting of home leave was found to be a tremendous incentive to good conduct during the year, and that it was also a test as to how far a boy or a girl could be trusted out on licence.²²

Releasing on licence is one of the most important ways of adapting the inmate to normal society. When a child is thought to have had sufficient training, he is released, subject to a proviso that he will conduct himself properly. The supervision of such conduct is entrusted to private or official agencies, who also help the child in various ways, like finding work or proper living accommodation if the child has no home, and looking after him generally. If the child misbehaves on licence, his licence may be revoked and he may be sent back to the institution. The supervision ceases as soon as the child completes the term for which he was committed to the institution.

Under the Bombay Children Act, the Chief Inspector may release a child on licence on the recommendation of the visitors or managers of a Certified School at any time after the expiration of six months of the detention period. The usual procedure is to release a child after about two-thirds of the period. Large institutions like Yeravda Industrial School have special Visiting Committees which meet quarterly to discuss cases for release on licence and make recommendations to the Chief Inspector.

A child is generally released to his own home. If he has no home, he is placed in an After-care Hostel. At present there are four such Hostels for boys: one each at Bombay, Ahmedabad, Hubli and Poona.

Release on licence and the care a child receives on his release constitute a half-way house between complete freedom and life in an institution. Efficient after-care service is thus essential if the child is to return to the community with reasonable expectation that he will make the necessary social adjustment.

In America the after-care of children released on licence is usually undertaken by the institution to which the children were committed. Some institutions have special parole agents on the staff, whose work is largely in the field—making home investigations.

²¹ Rule 23 (1), p. 6.

²² *Young Offenders*, p. 39.

visiting and supervising the individuals on licence or parole, securing employment or rendering other services to assist in their rehabilitation. Such parole agents are directly responsible to the superintendent of the institution or in larger schools, to a chief parole officer who is in turn responsible to the superintendent. W. A. ELKIN says of these parole agents, "They are expected to get into touch with a boy's home as soon as he arrives at the school and by the time they leave they know both the boy and his people sufficiently well to make their after-care activities really effective."²³ The disadvantage of such a system is that a child restored to a distant home is likely to be neglected and lost sight of.

In a few American States there is a central after-care bureau organised as a unit of the State department under which the institution is administered. This plan, though it makes possible supervision of children in all parts of the State, does away with the personal relationship between licensee and the parole agent which is characteristic of the former system.

In England, the question of after-care was thrashed out between the Home-Office Inspector and the association of approved school managers and headmasters at a conference in 1941. After-care as practised since then is a combination of the two systems outlined above: "The country has been divided geographically into a number of regions to which are being allotted, in proportion to the density of population, a number of trained social workers to be known as 'Welfare Officers.' Each welfare officer is responsible for a given area within the region and is attached to an approved school in the area. This school provides him with a base of operations and at the same time keeps him in touch with the approved school regime. He deals, however, not merely with children licensed from the school to which he is attached, but with the children licensed from approved schools elsewhere who may come to live within the area for which he is responsible. The welfare officer's work consists of making contact with homes and employers, paying visits to each child—frequently at first and then less frequently as the child finds his feet and no longer needs support—and reporting regularly to the school from which the child is licensed. To assist him in his work the welfare officer is required to co-operate closely with local youth organisations besides forming a group of private people who are interested in boys and girls and may be willing to help him."²⁴

²³ *English Juvenile Courts*, p. 248.

²⁴ J. A. F. WARSON, *The Child and the Magistrate*, p. 157.

In the Province of Bombay, after-care is the responsibility of those associations which are entrusted with the rest of the work under the Children Act in places like Poona where such Associations exist. These local District Probation and After-care Associations are, as mentioned in the introductory chapter, affiliated to and supervised by a Provincial Organisation, the Bombay Province Probation and After-care Association. In Districts which have no local associations, after-care work is done directly by the Provincial Association through voluntary Probation Officers except in Bombay City and Suburban District where a full-time, salaried Probation Officer, has been engaged.

At present, therefore, there are no adequate arrangements for after-care in those districts which have no local associations. Even in places possessing local associations, after-care is apt to be neglected because supervision of licensees and the management of the After-care Hostels are entrusted to the Probation Officers who have already enough to do in connection with Juvenile Court work such as running a Remand Home, making preliminary enquiries about children who appear before the court and supervising children under the Children Act.

In the beginning, when work under the Children Act was in its infancy, it was possible to combine probation service and after-care service in the same person. It was even desirable to avoid unnecessary duplication of personnel. But during the last four or five years, in Poona at least, the work has increased considerably and it has become necessary that the Probation Officer and the man in charge of licensees should be different people.

A defect of the present system is also that the licensee and the Probation Officer know little of each other before the child's release. If a full-time licence officer were appointed, apart from supervising licensees and managing After-care Hostels where such exist, a part of his duties could be to pay frequent visits to institutions in the vicinity and get into touch with those children, at least, whose homes are within his area so that by the time a child is released, he is acquainted with the child and his family.

It may be mentioned here that voluntary and stipendiary Probation Officers have to send monthly reports on the behaviour of the licensees to the Provincial Association. Copies of these reports could also be sent to the Superintendents of the schools from which the children were released because very few institutions today take the trouble of following up the careers of ex-students. "Institutions serve the community well when they recognise that they are not an

end in themselves, and that the value of their work is judged, not by whether an establishment runs smoothly, but on the far harder test of the behaviour and social adjustment of the young people after leaving its shelter."²⁵ Institutions in Western countries check on the results they achieve by keeping a record of the behaviour of the inmates for three or five years after they leave the institution. One institution in France used to follow up the careers of the boys for over a period of ten years!

Under the Bombay Children Act the Provincial Government may discharge a child conditionally or absolutely at any time. The Act also provides for the transfer of Certified School inmates to other schools in the various Provinces of British India or to other schools within the Province.

Transfer outside the Province is a useful measure for dealing with "foreign" children but cannot be utilised to the fullest extent because, as stated earlier, work amongst children is practically confined to the Provinces of Bengal, Madras and Bombay. Few other Provinces besides these three have special institutions for delinquent and destitute minors.

Transfer to schools within the Province is resorted to in cases of children who fail to settle down for some reason in certain institutions. For instance, a girl of about fifteen years who was committed to an institution in Poona was transferred to an institution in Bombay because she gave the former school authorities a great deal of trouble. In Bombay she proved an equal worry and was transferred to another institution in Poona. Here she seemed to have found the environment which met her requirements, because her conduct improved considerably. Instead of being sullen and unco-operative, she made herself very useful looking after the little children in the institution.

However, a child should not be transferred as far as possible. According to WILLIAM HEALY, "The homeless child that for any reason is changed about from place to place or from institution to institution, gets in much the same unsettled mental state as the wanderer and gains the same feeling of instability of his social milieu which is not comfortable with the establishment of good conduct."²⁶ Hence it is important that the child should be committed to the right institution from the beginning. Apart from the psychological effect

²⁵ League of Nations Advisory Committee, *Principles Applicable to the Functioning of Juvenile Courts and Similar Bodies, Auxiliary Services and Institutions*, p. 14.

²⁶ *The Individual Delinquent*, p. 292.

of transfer, an obvious reason is that by the time a child finds the right school by the trial and error method, it is often too late, as it was in the above quoted example. When the girl was transferred to the third institution she was practically due for release. Her period of stay in that institution was too short for anything constructive of permanent value to be done for her.

As the selection of the school rests with the Juvenile Court, it is essential for the committing magistrate to be acquainted with the various Certified Schools. The list of Certified Schools in the Annual Reports of the Juvenile Branch is there for their guidance, but they should, and very few magistrates do at present, see them for themselves. "Although the administration of approved schools forms no part of a magistrate's duties, I would urge every magistrate who sits regularly in the Juvenile Court to make it his business to visit not one approved school but several. He will find that when he has to deal in court with a difficult case, it helps immensely to be able to visualise and incidentally describe to the parents, the kind of institution to which their boy or girl may be sent."²⁷

To ensure the correct selection of an institution, the best plan would be for the Juvenile Court to be required merely to commit a child to some collecting centre. Here they could be studied and observed by a trained staff and transferred by someone with intimate knowledge of all the Certified Schools, to whichever school is most likely to meet his particular needs.

An observation centre of the above sort would also solve another difficulty. Certified Schools are usually so full that children have to wait for vacancies. Sometimes a couple of months elapse between the date of committal and the date of arrival in the school, during which time the children are detained in Remand Homes which were never designed for long-term treatment. These children upset the routine of the Remand Home and get used to the light work they are made to do there, which makes it more difficult for them to settle down in Certified Schools later.

²⁷ J. A. F. WATSON, *The Child and the Magistrate*, p. 151.

CHAPTER V

POST-DISPOSAL HISTORY

THE touch-stone of any form of treatment is the final adjustment of the child. Cases have been followed up, therefore, to determine the results achieved by the two principal modes of disposal, probation and committal to an institution. Cases placed on probation and under supervision appear overleaf.

The Table¹ shows that in about 60 per cent of the cases supervision was successful, and in about 21 per cent supervision was a failure, the rest being accounted for in various ways. The percentage of success is not higher perhaps due to:

ANALYSIS OF SUPERVISION CASES

	Died	Transferred	Case Closed	Period Ended Successfully	Period Ended Doubtfully	Family Lost Sight of	FAILURES						Total	TOTAL
							Child Absconded Not Found	Child Absconded & Rearrested Elsewhere	COMMITTED TO		Borstal			
									Certified School	"Full Person" Institution				
Theft	—	—	1	1	—	—	—	—	1	—	—	1	3	
Breaking & Entering	1	—	6	53	4	3	2	2	8	—	1	16	80	
Sex Offence	—	—	—	6	—	—	—	—	2	—	—	2	8	
Serious Offences	—	—	1	—	—	—	—	—	—	—	—	—	1	
Miscellaneous	1	—	—	5	—	—	—	—	—	—	—	—	6	
Total Offenders	2	—	7	65	4	3	2	2	10	—	1	18	96	
Gambling	—	—	1	4	1	—	—	—	—	—	—	—	6	
Uncontrollable	—	—	1	1	—	1	—	—	—	—	—	1	3	
Victims of Cruelty & Sex Offence	—	—	—	—	2	—	—	—	—	—	—	—	2	
Unfit Guardians & In Moral Danger	1	—	—	2	—	1	—	—	1	2	—	3	6	
Parents Convicted	—	—	—	—	—	—	—	—	—	—	—	—	1	
Destitute	—	—	—	1	—	—	1	—	—	—	—	—	2	
Begging	—	—	1	2	—	—	—	—	—	—	—	—	1	
Running Away	—	—	3	7	2	3	—	—	2	—	—	5	9	
Miscellaneous	—	2	1	7	1	—	1	—	1	—	—	2	13	
Total Destitute & Neglected	1	—	1	8	2	1	1	—	2	2	—	6	18	
	—	2	6	27	5	5	1	—	4	—	—	10	50	
Total Girls	1	—	2	9	2	1	1	—	3	2	—	7	21	
Total Boys	2	2	13	92	9	8	3	2	14	—	1	28	146	
Total	3	2	15	101	11	9	4	2	17	2	1	35	167	

¹ Note: The number of girls placed under supervision is more than in the Disposal Table because one girl restored on bond was later placed under supervision.

1. Overworking of the probation staff. An over-burdened Probation Officer has no time for frequent home visits, and man to man talks with his probationers. He cannot devote sufficient attention to difficult cases that present a real challenge. He has no time to cultivate the friendship of the parents and get their co-operation. Reference to the Table will show that amongst failures some cases are those where supervision had to be abandoned because the family shifted to an unknown address, which is indicative of the unco-operative attitude of the parents.

2. Lack of other preventive social agencies. In Poona there are but two organised play-centres and practically no clubs or youth movements the probationers could join. In case of illness there is no proper medical aid. If both parents are employed, there are no nurseries to take care of their young children.

3. The Probation Officer has to combat extreme poverty. It has already been shown from what poor homes some of the children come, and with poverty go ignorance and superstition. There was a case of a boy caught begging, who was placed under supervision. His parents were, needless to say, poor and had five children excluding the boy. While the boy was under supervision the whole family fell ill with malaria. The Probation Officer tried his best to persuade the parents to get medical treatment, but they were most stubborn in their refusal, firmly believing that the illness was visited upon them by a goddess and that no amount of medicine would cure them. When the Probation Officer became too insistent, they just disappeared one day.

4. Deep-rooted attitudes of certain tribes and castes towards delinquency, which has already been discussed in Chapter III.

The number of girls is very small but it may be noted that proportionately there are more failures amongst girls than amongst boys. That is, perhaps, because all the Probation Officers in Poona are men, and girls' cases can only be handled well by women officers. As a rule, girls and specially Indian girls because of their upbringing, are ill at ease in the company of men. They would never talk to them as frankly as they would to a woman, and frankness is most essential if the correct relationship between probationers and Probation Officer is to be established. In difficult girls' cases the Poona Juvenile Court has to rely on voluntary women Probation Officers.

In the Table some cases are listed as "do-----", previously stated, the outside probation limit under the Bombay Children Act

is three years, but the practice of the Poona Juvenile Court has been to order probation for one year. A year is a sufficiently long period in most cases to decide whether or not a child will make the necessary social adjustment. But in some cases it is not enough, and in such cases there seems to be no reason why the period of probation should not be extended except perhaps that the Probation Officer is so over-burdened with new cases that he has no time for the old ones. Eleven cases (7 per cent) were closed at the end of the year, even though their rehabilitation was doubtful. For instance, a Maratha girl of fourteen was restored to her husband under supervision. The couple seemed to be most temperamental. On one visit the Probation Officer would find the girl quite happy, coy and full of praises of her husband; a few days later the girl would burst upon her with loud accusations against her husband, saying that he had beaten her. The husband in his turn would want nothing more to do with her. Some time later they would be quite reconciled again. This shilly-shallying continued right up to the end of the probation period of one year, when the case was closed. This girl was a young adolescent and was showing all the characteristics of adolescence which, according to WILLIAM HEALY,² lead to delinquency—instability of ideas, emotions, and consequently character; excessive lack of control; mental and physical laziness; general feeling of recklessness; lack of foresight; egocentricism; etc. By closing the case when they did, the Juvenile Court denied her help and guidance when she needed them to adjust herself to her surroundings. It would have been interesting to find out how the girl managed by herself, but the case could not be traced when inquiries were made in connection with this thesis.

To cite another example: Two little boys aged six and eight were restored to their parents on condition that they were sent to school. The Probation Officer was to supervise them for one year. The parents were poor, illiterate labourers. With great difficulty the Probation Officer succeeded in having the children sent to school. Just as they began attending school regularly both the boys fell ill. It was doubtful whether they ever went to school again or had proper medical treatment, because just then the probation period of one year ended and the case was closed.

Cases committed to Certified Schools are given on the next page.³

²*The Individual Delinquent*, p. 714.

³Note: The number of children committed to Certified Schools in the first place was:

ANALYSIS OF CASES COMMITTED TO CERTIFIED SCHOOLS—II

SEMI-GOVERNMENT INSTITUTIONS

GOVERNMENT INSTITUTION

VERAVDA INDUSTRIAL SCHOOL, POONA

[illegible]

[124]

ANALYSIS OF CASES COMMITTED TO CERTIFIED SCHOOLS--II (Concluded)

VOLUNTARY INSTITUTIONS

	SHRI CHATRAPATI SHAHU BOARDING HOUSE, SATARA					BOARDING SCHOOL, HINGNE					HINDU WOMEN'S RESCUE HOME, POONA					OTHERS													
	Suc- cesses	Failures		TOTAL	On Licence—Employed	Abandoned and Not Traced	Transferred for Misconduct	Still in School	Transferred to Other Certified School in Bombay Province	No Information	TOTAL	Restored to be Married	Period Over—Studying	Successes	Fail- ures	Still in School	Sight of Restored & Lost	TOTAL	Restored to be Married	Studying	Employed	Abandoned & Not Traced	Restored—Bad Reputation	Still in School	Transferred to Native Province	Restored—Up Country	Dead	No Reply, No Information, Etc.	
Thief	—	—	—	—	—	—	—	1	—	—	1	1	—	—	—	2	1	2	—	—	—	—	—	1	—	—	—	1	2
Breaking & Entering	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sex Offence	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Serious Offences	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Miscellaneous	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total Offenders	—	1	1	1	1	1	1	1	1	1	1	1	1	1	1	2	3	3	1	1	1	1	1	1	1	1	1	1	2
Gambling	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Uncontrollable	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Victims of Cruelty & Sex Offence	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Unfit Guardian & in Moral Danger	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Parents Convicted	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Destitute	1	1	1	1	1	1	1	3	5	3	3	1	1	1	1	3	4	4	1	1	1	1	1	1	1	1	1	1	1
Begging	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Running Away	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Miscellaneous	—	2	2	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total Destitute & Neglected	1	2	7	4	—	—	—	14	5	1	6	7	1	1	1	19	2	1	1	4	1	1	1	1	2	1	2	3	13

Of the total committed to Certified Schools, a large percentage, 47 per cent boys and 40 per cent girls are still in school; a fairly large percentage, 25 per cent boys and 33 per cent girls have been restored up-country or transferred to schools in their native places or otherwise disposed of with no information about their present whereabouts; one boy and two girls died. Of the remaining 28 per cent boys, 15 per cent are successes and 13 per cent failures; of the remaining nine girls, seven are successes and two failures. Of both boys and girls, about 15 per cent are successes and 12 per cent failures. That is, to every five successes there are four failures! To what institutions the children were committed will be found overleaf.⁴

It will be seen that almost all the boys are committed to the Yeravda Industrial School. In this school about 53 per cent boys are still in the institution; about 17 per cent transferred, restored up-country, dead, etc. Of the remaining 30 per cent, 18 per cent are successes and 12 per cent failures.

Nothing much can be said about the David Sassoon Industrial School, because only seven children were committed to that institution.

The Children's Home, Chembur, was opened only in September 1939. No child was committed to that institution by the Poona Juvenile Court during the period covered by this enquiry, that is, until March 1940. But four children committed to other institutions were later transferred to Chembur. Also children committed to the Wellington Boys' Home and the Junior School Umarkhadi must have been transferred to Chembur, because these institutions were closed down when the Children's Home, Chembur, started functioning and all the inmates from these two institutions were shifted to

3	Girl Offenders	
66	Boy	"
30	Destitute & Neglected Girls	
132	"	Boys

But ten Boy Offenders who were placed on probation and one Boy Offender who was discharged with a warning, were later committed; four Destitute and Neglected Boys placed under supervision and three who were first restored on bond were also committed; and one was transferred from a "fit person" institution. One girl Offender on probation, was committed; two Destitute and Neglected Girls placed under supervision and five restored on bond were later committed and four transferred from a "fit person" institution. The total number of children committed to Certified Schools was therefore:

4	Girl Offenders	
27	Boy	"
38	Destitute & Neglected Girls	
140	"	Boys

Figures for children in each institution are not mutually exclusive because children were transferred from one institution to another.

Chembur. A letter of enquiry regarding these children was sent to Chembur, but no reply has been received.

Only thirty-four boys were committed to voluntary institutions. Of these eighteen were committed to the boarding-school at Satara. Figures for this school show that out of eighteen, four are still in school, two were transferred and restored with no information of their present whereabouts; of the remaining twelve, one is a success, and eleven are failures: three children absconded and were not traced and eight were transferred to the Yeravda Industrial School for misconduct.

The Satara Boarding School is not a walled institution; as such, it requires a large staff for effective supervision, and is suitable for boys with fairly good antecedents. Inadequate staff and indiscriminate commitment by the Juvenile Court may be partly responsible for so many failures.⁵ This institution has been doing really admirable work for children of the poor classes and the private admissions show very encouraging results.

The institution has been established for boys suitable for higher education. The inmates mainly attend outside schools and are given vocational training in gardening on the premises.

To maintain the standard of living in keeping with conditions in children's homes, the school is run on exceedingly simple lines. The children live in huts built by themselves; they eat simple food cooked by themselves and their facilities for recreation are what they would be in their villages or home towns.

Thus the school observes two important principles that make for success—contact with the world outside, and a standard of living adjusted to the mode of life in the homes of the inmates.

But it may be mentioned that the huts, though ideal in dry weather, tend to become damp and gloomy during the monsoons; the children look rather underfed and poorly, probably due to an ill-balanced diet, and perhaps insufficient exercise and recreation make them seem listless and apathetic to what is happening around. One visit to the school coincided with some annual social function. The school was gay with decorations, but the gaiety did not seem to have found a response in the expressions of the children. There was none of that bustle and air of happy expectancy that is usually to be met with in schools on such occasions.

⁵Later years show an improvement. From April 1940 to March 1944, twenty-six children were committed to this school by the Poona Juvenile Court. Of these only one absconded and was not traced and only two had to be transferred for misconduct.

Amongst girls, it will be noticed, twenty-two out of forty-two were committed to the Hindu Women's Rescue Home. Before 1940 there were very few Certified Schools to which the Poona Juvenile Court could commit girls; hence most of them had to be committed to the Hindu Women's Rescue Home. This institution may be suitable for older girls who are difficult to handle, but it is not the right type of an institution for young children, because it has been established to give shelter to women who have gone astray, and they cannot be suitable company for young children. Now that the Poona Juvenile Court has a wider choice, fewer children are committed to the Hindu Women's Rescue Home.

Figures for this institution show that out of twenty-two, eleven girls are still in the institution, three have been successfully settled; one had to be transferred for misbehaviour and the rest were restored and lost sight of, etc. In this institution it was very difficult to get any information about past students.

It will be noticed that a boy has been committed to the Hindu Women's Rescue Home. He was committed to the institution with his little sister, because it was thought advisable to keep them together. The Hindu Women's Rescue Home authorities accepted him as he was very young, and agreed to keep him until he attained thirteen years of age. The boy has completed his thirteenth year now, but as he is very well behaved, the authorities have asked for an extension of the committal period. They have given him and another boy of his age, who is a private admission, a room to themselves and have made it convenient for them to attend outside schools.

Since its certification in April 1939, girls and young boys have been frequently committed by the Poona Juvenile Court to the Primary and Secondary Boarding School at Hingne. Practically all these boys and girls are still in school. The boys may be detained there upto the fourth Marathi standard, after that there seems to be no satisfactory arrangement for them. The only school to which boys over twelve or thirteen years with good antecedents could be sent, is the Certified School at Satara, but the standard of living in that institution is so different from that of the Certified School at Hingne that boys transferred from Hingne would invariably break down at Satara.

Perhaps, with some encouragement, the authorities of the Certified School at Hingne could be persuaded to maintain a hostel in Poona where boys from Hingne could stay and continue their studies in outside schools. Or perhaps, if the Hindu Women's Rescue Home

authorities could extend the arrangements they have made for the two boys, boys from Hingne could be transferred to the Hindu Women's Rescue Home.

In passing, it may be stated that children in the Certified School, Hingne, are very fortunate in one respect. The Primary and Secondary Boarding School is an offshoot of the Hindu Widows' Home, Hingne. The woman's touch is therefore apparent in the food the children eat; in the clothes they wear; and they receive all the care and affection that would normally have been lavished on the children of these widows.

It was intended to compare results gained by voluntary institutions with results gained by the Government institution, Yeravda Industrial School, but that is not possible, because the number of children committed to voluntary institutions is very small and the number of children from these institutions, who have completed their detention period and whose present condition is known, is smaller still.

It may be remarked that, on the whole, the proportion of failures amongst children released from institutions is quite large. According to a League of Nations Report published in 1934,⁹ institutions in England claimed to have achieved complete success in an average of from 80 to 90 per cent of the cases; an institution in France had records to show that 70 per cent of the youths whose careers were followed up over a period of ten years, had turned out well.

One of the probable reasons for the failures may be the early age at which the children have to be released. Under the Children Act, no child may be detained beyond the age of eighteen years. As it is usually desirable to release a child on licence a year or two before his period expires, it means that children leave the institutions at the age of sixteen, before the institutions have had a chance of training them sufficiently well.

Besides, supervision outside the institution must cease at eighteen years, and that is just the age when extreme care is required. WILLIAM HEALY says, "Practical workers, as well as scientific students of adolescence, perceive remarkable changes of character taking place between eighteen and twenty. Every safeguard that society can throw about these important years by virtue of the parental

⁹ *Child Welfare Committee, Enquiry Into the Question of Children in Moral and Social Danger.*

method of the Juvenile Court with its properly gathered knowledge of causations and results of previous efforts, should be continued."

In America, according to the information obtained by the United States Census Bureau in 1923, commitments of minors to institutions are usually "minority commitments," which means that the child is committed to the jurisdiction of the institution until he becomes twenty-one years of age, or is earlier discharged by a designated authority. In practice, minors do not remain in the institution until twenty-one, but are placed on parole or otherwise released according to the policy of the individual institution. Usually they remain legal wards of the institution until automatically discharged on their twenty-first birthday.⁸ In France it was likewise; in England

ANALYSIS OF CASES COMMITTED ON "FIT PERSON" BASIS

	SUCCESES					FAILURES									
	Employed	Studying	Adopted	At Home Doing Well	TOTAL	Absconded & Not Traced	Transferred to Certified School for Misconduct	Bad Reputation	TOTAL	Still in School						Dead	Restored—Up Country	No Information	TOTAL
Theft	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Breaking & Entering	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sex Offence	—	—	—	—	—	—	—	—	—	—	—	—	1	1	—
Serious Offences	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Miscellaneous	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total Offenders	—	—	—	—	—	—	—	—	—	—	—	—	1	1	—
Gambling	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Uncontrollable	1	—	—	—	1	—	1	—	1	1	—	—	—	1	2
Victims of Cruelty & Sex Offence	—	—	—	—	—	—	—	—	—	—	—	—	1	1	—
Unfit Guardians & In Moral Danger	—	3	—	—	3	—	—	—	—	7	—	—	1	12	7
Parents Convicted	—	—	—	1	1	—	1	—	1	4	1	—	1	7	1
Destitute	—	—	1	—	1	—	—	—	—	—	—	—	—	1	4
Begging	1	—	—	—	1	—	—	—	—	1	1	—	3	5	3
Running Away	—	—	—	—	—	1	1	—	2	1	1	2	—	6	6
Miscellaneous	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total Destitute & Neglected	2	3	1	1	4	1	1	1	2	8	4	2	4	18	22
Total Girls	—	3	1	—	4	—	1	1	2	8	—	—	2	13	18
Boys	2	—	—	1	3	1	1	—	2	7	4	2	5	23	23
Total	2	3	1	1	7	1	2	1	4	15	4	2	7	33	33

⁸ *The Individual Delinquent*, p. 173.

⁹ *League of Nations Child Welfare Committee, Institutions for Erring and Delinquent Minors*, p. 136.

children are not committed for long terms, but even after the expiration of the term, a pupil remains under supervision and is liable to recall until the age of nineteen years.

As stated before, under the Children Act, boys and girls could also be committed to institutions, or to the care of Associations on a "fit person" basis. Analysis of children so committed is given in the following Table.⁹

Of the thirty-nine children committed, fifteen are still in the institutions, four have died, nine have been restored, etc., with no information about their present condition; seven are successes and four are failures.

Children committed on "fit person" basis are too few to give a detailed analysis according to the various institutions and associations to which they were sent. But many of these institutions are Mission Homes. Some of these Mission Homes accept both boys and girls like the Scottish Mission at Paud, which makes it possible for brothers and sisters to be kept together. Two brothers and their two sisters who were committed to Paud in 1939 are all still there. As this Mission School only provides for the education of children upto the fourth Marathi standard, the elder sister and the elder brother are sent to other mission schools out of Paud, but they both come "home" to Paud for their holidays.

Children are sometimes committed to the care of the Poona District Probation and After-care Association. They live in the After-care Hostel and either go out to work or study in day-schools nearby. The children are those for whom Certified Schools would be undesirable or unnecessary. For instance a Maratha boy of about twelve years with a deformed neck, was picked up begging. As he had no parents or relatives willing to shelter him, he had to be committed. In a Certified School, the boy's life would have been made unhappy by references to his physical deformity, nor would it have been possible to give him the individual attention which a child handicapped like him needs. He was, therefore, committed to the care of the Probation and After-care Association. The boy lived

⁹The number of children committed on "fit person" basis in the first instance was:

1 Boy Offender

13 Destitute and Neglected Girls

22 " " Boys.

But two girls placed under supervision and one restored on bond were committed later. The total was therefore:

1 Boy Offender

16 Destitute and Neglected Girls

22 " " Boys.

in the Hostel and went to a municipal school until he could read and write. Then he was employed as a peon by the Association and is working as such at present.

From the above example, it is not to be concluded that only children with physical deformities are considered unsuitable for Certified Schools. Boys of fifteen years or a little under sixteen years who are too old to benefit by institutional training are also committed to the care of the Association and the Association is asked to help them find employment.

Under the clause which provides for committal on "fit person" basis, a child could also be boarded out in a family and that capitation fee, which is paid to an institution, could be paid to the family; but the child could not be supervised, and without supervision the child is likely to be exploited. If the child is placed in a family and supervised, he is no longer "committed" but "placed under supervision," and the family is not entitled to a capitation fee. Hence not one child was placed in a family. Perhaps, even if it were possible, "foster home" care would not be popular for the same reasons that make child adoption rare.

An interesting practice as obtained in Scotland is to create suitable foster homes by paying destitute widows to take in three or four children. Such a system does not realise the ideal in that normality of family life and training is the aim of placing in a family, and a home cannot be considered complete or able to give entirely normal experience where one parent is missing, but the system could be tried out here.

Institutional training and the Poona probation service have been discussed and the measure of success of each has been shown. It is now proposed to show the measure of success achieved by the Poona Juvenile Court as a whole by finding out the post-disposal history of all the children dealt with in various ways. Many of the 777 cases were, however, not followed up and many could not be traced. Details are given in the Table on the next page.

Cases transferred were not followed up because those cases could not be considered problems of the Poona Juvenile Court. Cases repatriated or restored upcountry were not followed up, because it would have been impossible to trace them. Some of the cases died. Of the cases followed up, quite a few could not be traced and some are still being cared for in institutions. Cases available for study here are, therefore, only 25 girls and 127 boys.

These 152 children have been classified into successes, doubtful cases and failures. The second category includes those cases that

CASES FOLLOWED UP

	Not Followed Up				Died				Followed Up & Not Traced				Traced			
	Transferred & Repatriated	Restored or Otherwise Disposed of Out of Province	Supervision Cases Transferred, Etc.	Committed Cases Transferred or Country	TOTAL	Pending Disposal	Under Supervision	After Commitment to Institution	After Disposal in Any Manner	TOTAL	Those Restored	Those Under Supervision	Those Committed	Those Otherwise Disposed of	TOTAL	TOTAL
Theft	12	1	2	2	31	—	2	—	—	2	3	2	6	1	7	1
Breaking & Entering	1	15	—	—	16	—	—	—	—	—	—	—	—	—	—	—
Sex Offence	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Serious Offences	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Miscellaneous	—	2	—	—	2	—	1	—	—	1	2	4	—	—	11	2
Total Offenders	12	17	2	2	33	—	3	—	—	3	5	52	8	1	77	63
Gambling	1	2	—	—	3	—	—	1	—	1	—	3	1	—	5	8
Uncontrollable	1	1	—	—	2	—	—	—	—	—	—	2	—	—	—	—
Victims of Cruelty & Sex Offences	1	1	—	—	2	—	—	—	—	—	—	2	—	—	—	—
Unfit Guardians & In Moral Danger	1	3	—	—	4	—	1	1	—	2	1	2	3	—	6	12
Parents Convinced	—	3	—	—	3	—	—	—	—	—	—	—	—	—	—	—
Destitute	1	8	—	2	11	5	—	1	1	6	2	—	1	—	9	6
Begging	7	5	—	4	16	—	—	—	—	—	—	—	—	—	—	—
Running Away	2	46	2	19	71	—	—	2	—	2	—	6	13	—	19	22
Miscellaneous	2	1	—	—	3	—	—	—	—	—	—	—	—	—	—	—
Total Destitute & Neglected	6	14	2	23	45	—	1	2	1	10	8	9	14	4	43	23
—	94	91	—	—	210	5	—	—	—	29	11	29	27	15	73	64
Total	7	15	—	2	24	5	1	2	1	4	11	11	16	13	51	7
Boys	106	108	4	25	243	—	3	3	—	13	10	81	35	24	156	127
Total	113	123	4	27	267	5	4	7	1	17	27	92	51	37	207	152

POST-DISPOSAL HISTORY

	SUCCESSSES							DOUBTFUL CASES							FAILURES						
	In His Native Place Doing Well	At Home Doing Well	Adopted Doing Well	Studying	Employed	In the Army	Married	TOTAL	Adopted—Parents Separated	No Proper Employment	Parents Ignorant of Child's Whereabouts	Abandoned from Institutions	Abandoned While on Licence	On Licence—Up- Country No Report	TOTAL	Still Begs	Married But Has Deserted	Bad Reputation	Committed to Borstal	In Prison or Police Custody	TOTAL
Theft	4	—	—	1	23	3	1	1	—	3	5	2	2	1	13	—	—	1	7	2	10
Breaking & Entering	1	—	—	—	4	—	—	5	—	1	—	—	—	—	1	—	—	—	—	—	—
Sex Offences	1	—	—	—	—	—	—	1	—	—	—	—	—	—	—	—	—	—	—	—	—
Serious Offences	1	—	—	—	—	—	—	1	—	—	—	—	—	—	—	—	—	—	—	—	—
Miscellaneous	1	—	—	—	2	—	—	2	—	—	—	—	—	—	—	—	—	—	—	—	—
Total Offenders	6	—	—	1	29	3	2	20	—	4	5	2	2	1	14	—	—	1	7	2	10
Gambling	1	—	—	—	6	1	—	7	—	—	—	—	—	—	—	—	—	—	—	—	—
Uncontrollable Victims of Cruelty & Sex Offence	1	—	—	—	7	4	—	12	—	—	—	—	—	—	—	—	—	—	—	—	—
Unfit Guardians & In Moral Danger	—	1	—	4	1	—	—	5	—	—	—	1	—	—	1	—	—	2	—	—	2
Parents Convicted	—	1	—	—	—	—	—	1	—	—	—	—	—	—	—	—	—	—	—	—	—
Destitute	1	1	3	1	—	1	1	6	1	—	—	1	2	—	4	—	—	—	—	—	—
Begging	1	1	1	—	2	1	3	5	1	—	—	1	—	—	—	1	1	1	—	—	2
Running Away	3	—	—	1	2	—	—	10	—	—	—	5	4	3	12	—	—	1	—	—	1
Miscellaneous	1	—	—	—	—	—	—	3	—	—	—	—	—	—	—	—	—	—	—	—	—
Total Destitute & Neglected	7	2	3	5	3	6	4	18	1	—	—	7	6	3	17	1	1	2	—	—	4
Total Girls	13	2	3	5	3	9	6	20	1	4	5	9	8	4	31	1	1	4	7	2	23
Total Boys	14	4	4	7	59	9	6	103	1	4	5	10	8	4	32	1	1	6	7	2	127
Total	14	4	4	7	59	9	6	103	1	4	5	10	8	4	32	1	1	6	7	2	132

were failures in the sense that they absconded from Certified Schools or while on licence, but as nothing more about them was learnt, they have been given the benefit of the doubt.

Reference to the Table shows that on the whole, about 68 per cent of the cases are successes; about 21 per cent doubtful; and about 11 per cent failures. That is, to every two successful cases there is approximately one doubtful case or failure. It will be noticed that there are more successes amongst destitute and neglected children than amongst offenders—63 per cent of offenders are successes whereas the same percentage for destitute and neglected children is 71. It will also be noticed that about 15 per cent of the offenders are outright failures, but the same is true of only 8 per cent of the destitute and neglected children; and also that none of the latter were committed to Borstal nor found to be in police custody or prison.

Had the number of cases been more than 152, factors contributing to success or failure would have been studied in detail. As it is, only a couple of them have been considered and the conclusions drawn cannot be said to be assertive.

AGE

Analysis of cases according to age at the time of appearance before the Juvenile Court is given on the following page. If the cases are divided into the three age groups—about seven years and under, about eight to about thirteen, and about fourteen to sixteen, —the significance of age becomes apparent.

Taking all the cases, out of a total of 103 successful cases, 8 per cent belong to the first age-group, 46 per cent to the second and 46 per cent to the third. Out of a total of 49 doubtful cases and failures, 4 per cent belong to the first age-group, 37 per cent to the second, and 59 per cent to the third. Thus there are comparatively more older children amongst doubtful cases and failures than amongst successes.

The proportion of successful cases to doubtful cases and failures in each of the three age-groups is;

1st A-G — 4.0 successes to 1 doubtful case or failure

2nd A-G — 2.6 successes to 1 doubtful case or failure

3rd A-G — 1.7 successes to 1 doubtful case or failure

The chances of success, therefore, diminish with age from 4 to 1.7.

The number of cases is not large enough to consider offenders and destitute and neglected children separately, but it may be pointed

out that a destitute or neglected child has slightly better chances of making good than an offender, specially if he be under fourteen years of age:

AGE

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	Total
1. OFFENDERS																	
(a) Successes	—	—	—	—	—	—	—	—	—	—	2	4	6	10	11	6	2
(b) Doubtful Cases	—	—	—	—	—	—	—	—	—	1	—	—	2	2	6	3	39
(c) Failures	—	—	—	—	—	—	—	—	—	—	—	—	3	1	3	3	14
2. DESTITUTES																	
(a) Successes	2	—	—	—	—	2	1	—	2	2	4	4	—	9	1	—	18
(b) Doubtful Cases	2	—	—	—	2	—	—	—	7	4	1	10	—	—	5	4	44
(c) Failures	1	—	—	—	1	—	—	—	2	—	—	2	3	4	2	2	17
	—	—	—	—	—	—	—	1	1	—	1	—	—	1	1	—	4
3. ALL CASES																	
(a) Successes	2	—	—	—	—	2	1	—	2	2	4	4	1	2	—	—	20
(b) Doubtful Cases	2	—	—	—	2	—	—	—	7	6	5	16	19	16	10	—	83
(c) Failures	1	—	—	—	1	—	—	—	3	—	2	5	6	8	5	—	31
	—	—	—	—	—	—	—	1	1	—	1	—	1	1	4	3	4
	—	—	—	—	—	—	—	1	—	1	—	3	1	4	3	—	13

OFFENDERS

- 1st A-G — .0 successes to 0 doubtful case or failure
 2nd A-G — .2 successes to 1 doubtful case or failure
 3rd A-G — 1.6 successes to 1 doubtful case or failure

DESTITUTES, ETC.

- 1st A-G — .4 successes to 1 doubtful case or failure
 2nd A-G — 2.9 successes to 1 doubtful case or failure
 3rd A-G — 1.7 successes to 1 doubtful case or failure

The above comparisons also reveal that under sixteen years, age does not play such an important part in the case of offenders but it does in the case of destitute and neglected children.

"BROKEN" HOMES

The home conditions of children, considered from the same point of view as in Chapter II, appear on the next page.

It will be seen that of the total number of 103 successful cases, 46 per cent come from normal homes, and 54 per cent from "broken" homes. Of the total number of 49 doubtful cases and failures, 33 per cent come from normal homes and 67 per cent from "broken" homes.

The proportion of successful cases to doubtful cases and failures is:

From Normal Homes — 2.9 successes to 1 doubtful case or failure.

From "Broken" Homes — 1.7 successes to 1 doubtful case or failure.

Thus the "broken" home is a factor to be reckoned with, because children from normal homes have better chances of succeeding than children from broken homes and comparatively the "broken" home figures more often amongst doubtful cases and failures than amongst successful cases.

For the reason mentioned in connection with "Age," offenders and destitute and neglected children are not discussed by themselves. But the proportion of successes for the two types of cases may be given:

"BROKEN" HOMES

	Both Parents Alive	Foster Parents	Foster Mother	Both Parents Dead	Father Dead	Father Dead— Step-Father	Father Dead— Mother Deserted	Mother Dead	Mother Dead— Step Mother	Deserted by Both Parents	Parents Separated	Foster Father— Foster Mother Dead	Foster Father— Foster Mother Deserted	Parents Separated— Step-Father	Mother Kept	Parents & Step-Mother	TOTAL
1. OFFENDERS																	
(a) Successes	1	—	—	1	—	—	—	—	—	—	—	—	—	—	—	—	2
(b) Doubtful Cases	21	—	—	11	1	—	—	5	—	—	—	—	—	—	—	—	39
(c) Failures	5	—	—	2	1	—	—	3	—	—	—	—	—	—	—	—	14
2. DESTITUTES, ETC.																	
(a) Successes	7	2	1	1	2	—	—	1	—	—	—	1	—	—	3	—	18
(b) Doubtful Cases	18	1	—	9	6	—	—	3	3	—	2	—	—	1	—	1	44
(c) Failures	4	—	—	4	3	1	—	2	—	1	1	—	1	—	—	—	17
	3	—	—	—	—	—	1	—	—	—	—	—	—	—	—	—	4
3. ALL CASES																	
(a) Successes	8	2	1	2	2	—	—	1	—	—	—	1	—	—	3	—	20
(b) Doubtful Cases	39	1	—	10	17	1	—	8	3	—	2	—	—	1	—	1	83
(c) Failures	9	—	—	7	4	3	—	5	—	1	1	—	1	—	—	—	31
	5	—	—	4	2	1	—	—	—	—	1	—	—	—	—	—	13

OFFENDERS.

From Normal Homes — 3.1 successes to 1 doubtful case or failure.

From "Broken" Homes — 1.2 successes to 1 doubtful case or failure.

DESTITUTES, ETC.

From Normal Homes — 2.8 successes to 1 doubtful case or failure.

From "Broken" Homes — 2.4 successes to 1 doubtful case or failure.

It shows that an offender and a destitute or neglected child have the same chances of success if they come from normal homes, but a destitute or neglected child from a "broken" home has double the chances that an offender from a similar home has.

It also shows that a normal home is not so essential to success as regards destitute and neglected children, but it is as regards offenders.

The ill-effects of a "broken" home were most apparent in one case, which may be described here because it was so striking. A Muslim boy of about 15 years was placed before the Poona Juvenile Court for stealing some articles from the orphanage in which he was staying. The boy was from Karachi. His father was a dock hand; he had deserted his first wife, the boy's mother, and married again. The mother lived on her own in another quarter of the town. The boy was kept with his father who forbade him to visit his mother, but the boy saw her occasionally nevertheless, in spite of his father's threats. When not even ten years of age, the boy was caught thieving, but being young he was pardoned under Section 562 of the Criminal Procedure Code. The Children Act was not in force in Karachi then. A little later he committed theft again and was ordered to be detained in the Yeravda Industrial School, for five years, in 1930. The boy's behaviour in school was GOOD, so he was released in 1934 and sent back to Karachi. There he became involved in another case of theft, and had to be recalled. When his detention period was finished, arrangements were made to admit him in an orphanage in Poona. He could not have liked it there, however, because within a week he tried to escape after stealing various articles of clothing belonging to the other boys. That brought him before the Poona Juvenile Court and he was committed to the Yeravda Industrial School until eighteen years of age in January 1936. His papers in the school show that his conduct was very SATISFACTORY. A few months before his release was due, he was sent to Karachi on licence. His licence period was uneventful, but some months later he was caught for theft again and committed to Borstal — by the magistrate in Karachi.

CHAPTER VI

A CLOSER VIEW OF THE MACHINERY THAT WORKS THE ACT

(PARTICULAR REFERENCE TO POONA)

THE subject covered in this chapter has already been alluded to in the second part of Chapter I, but here it is intended to treat it in greater detail.

The department in charge of the administration of the Children Act is the Juvenile Branch. The head of the Branch is directly responsible to the Minister or Adviser on Home Affairs. This office was created, it will be remembered, in 1934, to supervise and consolidate work under the Act, in different parts of the Presidency. Every year, this Office gets returns from various Juvenile Courts and Certified Schools in the Province, and publishes a report containing the data.

Although the Juvenile Branch is responsible for all work under the Children Act, its chief concern is the maintenance, management, and inspection of the Certified Schools and "fit person" institutions, to which the Juvenile Court cases are committed. At the head of the Branch is the Chief Inspector of Certified Schools. "He may visit any certified school at any time, hear any complaints of the inmates and make suggestions to the Managers of the School."¹ To assist him, he has an Inspector of Certified Schools, an Assistant Inspector of Certified Schools, and an Additional Assistant Inspector of Certified Schools. Between them they must inspect all the departments of each institution every six months. During inspection they must see every child confined in the institution and give him or her the opportunity of making any application or complaint.

Here attention may be drawn to the fact that the Juvenile Branch was established as a part of the Backward Class Office, and the Backward Class Officer was made the Chief Inspector. The responsibilities of the Backward Class Officer are education and general uplift of certain castes designated as Backward.

Certain tribes, who have been known for their criminal antecedents, are made to live under supervision in Settlements, where an attempt is made to wean them away from their past criminal traditions and habits by giving them vocational training, getting them proper employment and educating their children. The Backward

¹ *Bombay Children and Juvenile Courts Rules, 1946, Rule 6, p. 2.*

Class Officer has to supervise the management of these Settlements. The Bombay Government is also trying to bring forward certain other castes who have kept in the background so far. Intelligent students, belonging to these castes, are awarded special scholarships which, if they be deserving, even see them through a University career. There are special Backward Class Hostels for these students. The Backward Class Officer has to inspect these hostels, administer the funds set aside for scholarships, decide the grants-in-aid to be given to voluntary associations working for these classes, etc.

The Juvenile Branch had to be linked to some existing Government Department for economic reasons and the Backward Class Office was thought the most desirable. It was doing work aimed at social welfare, which was also to be the aim of the Juvenile Branch and its duties were not so numerous as the alternative, the Educational Department.

An additional reason may have been that the Backward Class Officer at that time, Mr. O. H. B. Starte, C.B.E., I.C.S., was very keen on furthering work under the Children Act. The Juvenile Branch was, therefore, placed in his charge and thus, the posts of the Backward Class Officer and Chief Inspector of Certified Schools came to be combined.

It may be stated that since 1934, the activities of the Backward Class Office and the Juvenile Branch have increased considerably, so that now it is necessary to separate the two if further development of both is not to be impeded.

Comparative statement of expenditure of the Juvenile Branch for nine years is given below:

		Rs.
1935-36	---	1,18,576
1936-37	----	1,27,648
1937-38	----	1,39,395
1938-39	---	1,48,866
1939-40	----	3,99,916
1940-41	..	2,16,874
1941-42	----	3,02,963
1942-43	----	3,71,490
1943-44	----	5,18,344

The sudden increase in 1939-40 was due to the fact that a grant of about Rs. 2,00,000 was given for the purpose of starting the Certified School at Chembur. The increase in 1943-44 shows an all-round expansion of work under the Children Act since it cannot be attributed to any one cause. Eliminating the extra non-recurrent

expenditure of two lakhs in 1939-40, the figures show a steady rise every year.

Though reports of cases dealt with by the Juvenile Courts are sent to the Juvenile Branch, this office has no control over the personnel of these courts, that is, the magistrates—stipendiary as well as honorary—the clerks and the havildars. The stipendiary magistrate is usually the first class City Magistrate and the personnel of his Court forms the personnel of the Juvenile Court. The honorary magistrates are appointed directly by the Provincial Government, though the suggestions of the Juvenile Branch are taken into account. They all come under the supervision of the District Magistrates.

Probation and after-care of children dealt with under the Act, and other work immediately connected with the Juvenile Courts, are the responsibilities, as mentioned earlier, of the Bombay Province Probation and After-care Association, which, except in Bombay, works through local District Probation and After-care Associations.

The Provincial Association is a semi-official body with the Chief Inspector of Certified Schools as Secretary. According to the rules of the Association, the Managing Committee shall consist of:

I. *Ex-officio*

1. The President
2. The Vice-President (s)
3. The Honorary Treasurer(s)
4. The Inspector General of Police
5. The Inspector General of Prisons
6. The Commissioner of Police, Bombay
7. The Chief Presidency Magistrate, Bombay
8. The Chief Inspector of Certified Schools, Province of Bombay, Poona
9. The Governor of Borstal School, Dharwar

II. Five persons who shall be non-officials, nominated by the Provincial Government to hold office for one year.

III. Such number of members, not less than five and not more than twelve, as may be determined by the Provincial Government, elected at an Annual General Meeting, to hold office for one year; and

IV. One representative of each District Committee and each Affiliated Society in the Presidency.²

The headquarters of the Association is in Bombay. The President must call an Annual General Meeting not later than the

first of December, and the Managing Committee must hold at least three meetings every year. Members of the committee who have to come in from the Districts are given second class train fares to Bombay and back. An Annual Administration Report is submitted to the Secretary to Government, Home Department.

As stated before, the objects of the Association are not confined to work under the Children Act, but include work under the Bombay Borstal Schools Act, 1929, and the Probation of Offenders Act, 1938.

The funds of the Association are provided by membership fees, the annual subscription of Rs. 20, which the affiliated District Associations have to pay, but mostly by an annual Government grant. Statement of receipts for the year 1941-42, shows that out of a total of about Rs. 17,000, the Government grant amounted to Rs. 11,000:

1. Subscription from Members and District Associations	Rs. 444- 4- 0
2. Government Grant	11,000- 0- 0
3. Interest on Government Promissory Notes, and Current Bank Deposits, Opening Balance, etc.	4,482-12- 6
Total	16,928- 0- 6*

The Provincial Association directs the work of the District Associations and helps them by meeting half the expenses of their probation staff and Remand Homes, Hostels, etc.

The organisations that come into direct contact with the working of the Children Act, that do the field work, are, in Districts like Poona, District Probation and After-care Associations. A plan of the administration of the Children Act may be somewhat as follows:

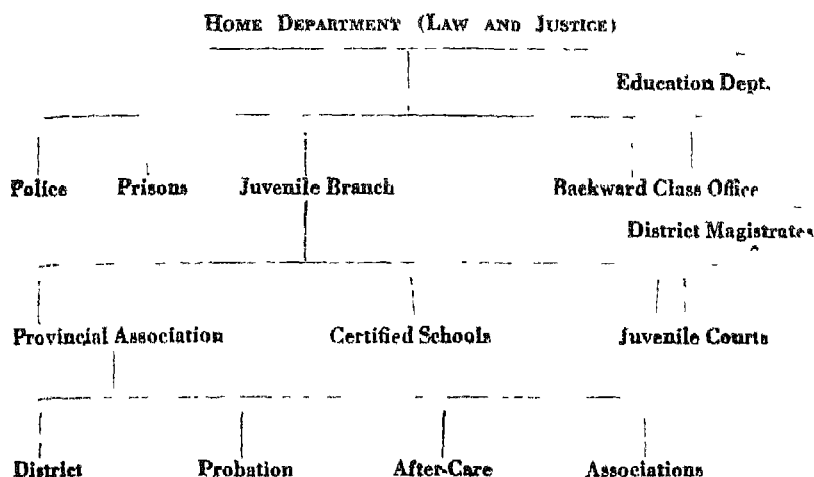
The Poona District Probation and After-care Association, like its sister associations, is a purely non-official body. On a Managing Committee of about twenty-five members, which may even be extended to thirty-five members by co-option, the *ex-officio* members number only four. They are:

1. The District Magistrate, Poona
2. The District Judge, Poona
3. The District Superintendent of Police, Poona
4. The Chief Inspector of Certified Schools⁴

* Annual Report of the Bombay Province Probation and After-Care Association, p. 18.

⁴ Elsewhere the *ex-officio* members are only three. Poona has an extra one in the Chief Inspector of Certified Schools since his office happens to be in Poona.

They may attend whenever convenient, or send their representatives if they cannot be present themselves.



The Chairman of the Managing Committee must call the Annual General Meeting not later than the first of August, and the Managing Committee must meet at least once every quarter.

The objects of the Association, like the Provincial body, are to work under the Children Act, the Borstal Schools Act, and the Probation of Offenders Act. The scope of work under the three Acts has already been described in the introductory chapter, but the activities under the Children Act may be repeated. Under the Children Act, the Poona Association:

1. Maintains a Remand Home for the detention of children brought before the Juvenile Court.
2. Makes preliminary enquiries while every child is still before the Court.
3. Supervises children released under supervision or on probation by the Juvenile Court.
4. Supervises children released on licence from Certified Schools.
5. Maintains an "After-care" Hostel for such children released on licence as have no homes.

The expenditure of the Association is met largely from funds provided by the Provincial Association and other Government sources; partly by municipal grants and partly by membership fees.

Government contribution, municipal grants, and subscription and donation for the year 1943-44 were:⁶

GOVERNMENT CONTRIBUTION

For Maintenance of Remand Children (from the District Magistrate)	Rs. 15,848- 8- 0
For Capitation Grant for Committed Children (from the Juvenile Branch)	2,223- 5- 0
For Grant-in-aid from the Provincial Association	1,939-11- 0
	20,011- 8- 0

MUNICIPAL GRANTS

Poona City Municipality	500- 0- 0
Poona Cantonment Board	100- 0- 0
Poona Suburban Municipality	75- 0- 0
Kirkee Cantonment Board (2 yrs.)	150- 0- 0
	825- 0- 0
	891- 0- 0

SUBSCRIPTION AND DONATION

It will be noticed that here, as in the case of the Provincial Association, public support amounts to very little.

The Poona Association has appointed three Probation Officers to do the work. One of them is in charge of the Remand Home, and has to reside on the premises.

The Poona Remand Home is a rented, one-storey building, situated between Poona City and Poona Cantonment in Nana Peth. It has a fairly large compound surrounded by a low wall, or a wire fencing, which affords ample opportunities for escape, but is seldom taken advantage of. The ground floor is used for remand purposes; the upper storey is occupied by the Probation Officer and his family.

Every child remanded is sent to the Civil Hospital to have his age certified, and be medically examined and treated, if required. If the children are very ill and need medical treatment as in-patients, they are remanded to a hospital and brought to the Remand Home only when well. The Remand Home has a small dispensary of its own, where minor ailments are treated. The Association also has a physician working in an honorary capacity to examine the children once a week.

The children are given sufficient good food, decent clothes, and are kept well occupied the whole day. They do all the house work,

⁶ *The Report of the Poona District Probation and After-Care Association,* p. 12.

their own cooking, gardening, spinning yarn, and since the outbreak of the War, they have also started making camouflage nets, cardboard cartons, etc., which are easy to make and bring the children some pocket-money.

"Besides these activities, classes are conducted by the Probation Officers in the afternoon. There is a regular Physical Training class in the morning, out-door games in the evening, and songs and in-door games in the afternoon and at night from 8 P.M. to 9 P.M."

They are supervised by two peons, in addition to the Probation Officers. Children whose conduct is found satisfactory are made monitors or office boys and get a small weekly income as such.

The atmosphere of the Remand Home is all that can be desired. As most of the material for this enquiry was collected from the Remand Home, that place was visited personally almost every day for some months in the beginning and very frequently after that, but nothing has ever happened to convey the impression that the children are repressed or dissatisfied. Children of all castes and creeds stay happily together and their relationship with the Probation Officers and peons is apparently of the best.

One defect of the Remand Home is that the building is very old, and has a wooden ceiling, which makes it rather difficult to keep it free from bugs which are bound to be brought by the type of children remanded.

The Remand Home has comfortable accommodation for about forty children, but that is found to be very insufficient, because the Home is also used to house children who have been committed to institutions and are awaiting vacancies. Since January 1944 the Association has rented a room in an adjoining house to which some of the children are sent for the night. For the year 1940-41, the average number of children on remand per month was thirty-seven; the average number of children awaiting vacancies per month was twenty.

The cost of children on remand is met by the District Magistrate; for those awaiting vacancies the Juvenile Branch pays the capitation fee that would be paid to a Certified School. For the year 1940-41, the District Magistrate paid at the rate of 8 as. per day per child; the Juvenile Branch paid a capitation fee of Rs. 8 per month. But the monthly expenditure per child does not amount to Rs. 15 for those on remand and Rs. 8 for those awaiting vacancies because the population of a Remand Home shifts from day to day

and a child need not be in the Remand Home for the full month. For the year 1940-41, therefore, the average expenditure to the District Magistrate was about Rs. 7 per child per month. Of Rs. 7, an average of about Rs. 3-15-0 was spent on the child's food alone. The average expenditure to the Juvenile Branch per child per month was about Rs. 4-15-0, whereas the food expenses alone were about Rs. 5-4-0. The capitation fee is therefore not sufficient. The Remand Home could afford to give the children good food in spite of the low rates because the deficit could be made up from the remand charges. This is not possible in Certified Schools and the quality of the food deteriorates of necessity. Moreover in a Remand Home the capitation fee is spent solely on the child, because the pay of the staff and other expenses of the Home are paid out of different grants. But in a Certified School, specially if it be poor, the capitation fee helps to defray the total expenses of the school.

For the last couple of years the cost of living has become higher than the 1940-41 standard, so doubtless the average expenditure per child has risen. Government contribution has also been increased, but what has been said about capitation fees would still hold.

The Poona Remand Home is meant for boys only. As there is no Remand Home for girls, they are detained in institutions chosen for the purpose. Most of the Hindu girls are detained in the Hindu Women's Rescue Home, the voluntary Certified School which was described in the chapter on institutions. Non-Hindu girls, and sometimes Hindus too, are remanded to the Mahila Seva Gram, the institution to which the Poona Juvenile Court usually commits difficult girls on "fit person" basis. This institution was started in 1940 through the efforts of a small group of Poona Christians. It is a rescue and preventive home for women and girls of all communities and is one of the few Christian institutions that make no attempt at proselytizing. The institution is fortunate in having an able warden who has had ample experience of her work as Superintendent of the Umakhadi Remand Home, Bombay, for ten years, and later as Inspector of Certified Schools and Secretary of the Poona District Probation and After-care Association.

Children arrested or brought to the Remand Home are reported immediately to the Presiding Officer of the Juvenile Court, as prescribed within the Children Act. Though the magistrate has the option of releasing a child on bail, the policy in Poona has been to remand practically every child and considering conditions here, it is for the best. Apart from those cases which need medical treatment, many children suffer from malnutrition, and a week's stay

in the Remand Home is all to their good. It is also a healthy experience for a child in a community-conscious country, to stay for a brief while in a place where all the children are treated alike regardless of caste or creed.

Besides it has been found that when a child is on remand, he is better observed and understood by the Probation Officers, and his friendship more quickly won than when he is returned to his parents. In his home he is influenced by the suspicions, which the parents, being ignorant, instinctively have for anybody who has anything to do with the Courts. Children on remand have been known not only to have acknowledged the offence for which they have been arrested, but also to have talked most frankly of all their past misdeeds. Besides, the fact that their child has been treated well while on remand, goes a long way in securing the good-will of the parents, which is necessary if supervision later on is to be successful.

The Poona Juvenile Court itself meets only once a week, but the cases are reported for remand to the City Magistrate's Court, because the City Magistrate is the stipendiary magistrate of the Juvenile Court.

The stipendiary magistrate is assisted by two honorary lady magistrates, who have been chosen for their ability to deal with child welfare questions. Since the beginning of the Juvenile Court in 1935, about half a dozen stipendiary magistrates have changed hands, but the same two lady magistrates were on the Bench until about a year ago, when one of them had to resign because her own work demanded most of her time. Another lady magistrate has been appointed and probably there will be no more changes for another long span of years. The lady magistrates have made it possible to preserve continuity in the Juvenile Court procedure and have set the tone of the Juvenile Court atmosphere.

The Court meets every Saturday from 11 A.M. onwards in the Remand Home, where one of the rooms is specially converted for the purpose. The court-room is very simply arranged,—along the length of the room there is a long table for the magistrates. At right angles to this table, on one side, is a smaller table for the Probation Officers. Opposite the magistrates, in a corner, is another small table for the Court clerk. A couple of chairs more for an occasional visitor interested in delinquency, or for those directly connected with a case, complete the outfit of the court-room.

The Poona Juvenile Court, like other Juvenile Courts, is competent to try all types of cases. As has already been shown, the majority of offenders are brought in for petty theft, but the Poona

Court has witnessed cases ranging from driving without a licence to attempted suicide and homicide not amounting to murder.

In cases in which minors are implicated with adults, the practice adopted by the Poona Court is to hold these joint trials in the Juvenile Court, after the hearing of juvenile cases. The fact that the adult stands to lose by this practice has perhaps an added value in that it teaches adults to leave children alone.

The procedure of the Court is exceedingly simple. It is true that when a child does not admit his offence, the case has to be tried formally and evidence taken, but that rarely happens because in about 90 per cent of the cases the Probation Officers have already gained the confidence of the child while on remand, and the child acknowledges his "mistake."

The Probation Officers make all the preliminary enquiries, and write their information on printed forms—a specimen is attached herewith—which have special sections for factual information, like name, age, etc., and a large amount of space for other important facts with the Probation Officer's own observations. As the case proceeds, particulars are added on extra sheets until its disposal. All the papers are filed in the Office of the District Association in the Remand Home.

Psychiatric and mental examination are not possible, because the Poona Juvenile Court has no facilities for such examination. Some children really needing mental observation are transferred to Bombay, but many who are not mentally deficient but who require emotional adjustment, have to do without a psychiatrist's help.

Lawyers are never welcome. They put up a defence whether the child is in the right or wrong; harp on petty technical legalities; coach the child into giving false evidence and unnecessarily complicate the procedure. On one occasion a girl became involved with an adult woman in a case of theft of jewels worth a large amount. She, doubtless tutored by her lawyer, stepped into the court-room, crying "I know nothing, I know nothing," and it took the magistrates and the Probation Officers, weeks of remand to get at the truth.

Parents are made to see the superfluity of employing a lawyer, by having it pointed out to them that the Juvenile Court is not there to punish their children but, with their help, to do what is best for them; that if their child has committed no offence, the Probation Officer whom they know, will himself speak for the child, as it has happened quite a few times.

The magistrates also make it a point to speak to the lawyer himself. They call him aside and make an appeal to his better

Case No.

DISTRICT PROBATION AND AFTER-CARE ASSOCIATION, POONA

Court No

CASE RECORD DATE (i) 194

FOR

Magistrates—(i)
(ii)
(iii)

JUVENILE COURT (ii) 194

1	Child's Name. Address Caste: Sex: Age	..... ..... ..... ..... ..... on 19
2	Charge or Circumstances	...............
3	Order of Magistrate With Date etc. Surety:	..... ..... .....
4	Previous Offences	.....
5	Reported by	.....
6	Physical and Mental Condition	..........
7	Character and Habits	..........
8	School Record (if any)	..... .....
9	Occupation and Wages	.....
10	In Remand Home	From (i)....19 . to....19 . From (iii)....19 . to....19 . From (ii)....19 . to....19 . From (iv)....19 . to....19 . Conduct:
11	On Bail	From to

12. FAMILY, HOME CONDITIONS &
SPECIAL REMARKS:

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nature to co-operate with them, to do what is most beneficial for the child, and more than once it has been known to succeed!

It must be evident that a Juvenile Court has to have active co-operation from various people: the Probation Officers, the Child-Welfare organisations, the various institutions for children, the hospitals, and a word may be said about the police who as much as the others have to be educated to enter into the spirit of the Children Act. As late as 1940, there was a case before the Poona Juvenile Court whose treatment by the police violated all the principles of the Children Act. A Kamati boy of about fourteen years, who had run away from his home, was working as a tea-shop boy in Kirkee. After about four months he felt homesick and as his employer would not give him his pay, stole some money and absconded. He was caught at Kalyan and was detained in a prison for *a whole month* before being referred to the Juvenile Court. A case like the above has happened only once, but cases of children being detained in sub-jails for a few hours or days—in one case it was a week—before being brought to the Remand Home are not as infrequent as one would wish. According to CLIFFORD MANSHARDT, "Competent observers report that in a large number of cases more harm was done to the child during the preliminary period of detention than at any other stage in the subsequent criminal procedure."⁷

The lack of insight of the police in connection with children is also commented upon in the report of the Juvenile Branch for the year 1940-41. "In the Government Circular, Home Department, No. 5039/3-11 dated nineteenth December, 1938, instructions have been issued regarding the procedure to be followed by the police in escorting children from Remand Homes to Certified Schools. In spite of these definite instructions cases still occur of boys being brought to Certified Schools roped or handcuffed and the police escort being armed or in uniform."⁸

The police also, at times, omit to inform the parents of the arrest of their children until a couple of days later, whereas under the Children Act, they have to trace the parents as soon as possible.

The summons-servers, too, are very slack in connection with Juvenile Court work. A child has to be remanded from Saturday to Saturday just because a particular summons has not been issued.*

Largely through the efforts of the Inspector of Certified Schools the Juvenile Branch has started a series of lectures, given by the Inspector himself, on Children Act work for the benefit of the police.

⁷ *The Delinquent Child*, pp. 84, 85.

⁸ Page 13.

Perhaps the good effects of these lectures have already begun to tell as a recent incident will show. In one of the Poona Clubs, a visitor lost his wallet containing a lot of money and important papers. One of the tennis boys was suspected, but all attempts on the part of the Club authorities to make the child produce the wallet failed. The police had to be informed. The policeman's handling of the child came as a most agreeable surprise. He did not bluster or threaten as is the usual custom. Instead he took the child aside for a quiet talk and both of them came back within ten minutes with the wallet; the policeman and the child being apparently on the best of terms!

CONCLUSIONS

IN THE preceding chapters an idea has been given of the Bombay Children Act, 1924, and the way it is worked, particularly in Poona.

An attempt has also been made to describe the type of child brought to the Juvenile Court as well as some of the factors that have contributed to his being there.

It may be said that there are roughly two sets of contributory factors: The set of internal factors, such as heredity and mental make-up, and the set of external factors which may broadly be called the environment. This enquiry has confined itself to the latter set of factors because it was not possible to get information about the heredity of children or their psychological make-up.

Some of the factors described are those that are common in other countries also, such as for instance, a disorganised or "broken" home; others like poverty are exaggerated forms of the common ones; and yet others are peculiar to India—habits, festivals and caste attitudes leading to theft, begging and prostitution.

It has also been shown what measures the Juvenile Court can take under the Children Act, the most frequent form of measure that it does take being institutional care.

The results achieved by institutional training and other measures also have been analysed. Though the material for this part of the investigation is numerically small, the conclusions arrived at have at least indicative value. They do not assert but they do indicate that the proportion of failures is not insignificant.

Legislation of the nature of the Bombay Children Act, which deals with delinquents as well as destitute and neglected children, requires some consideration of general social conditions. The first thing that strikes even the most casual enquirer is the almost complete lack of social security of the poorer classes. The poor farmers possess land barely enough for the subsistence of their families and more and more of them are drawn away as labourers in growing industries. But neither the farmers nor the labourers earn enough to provide a margin in the family budget for the expenses of such common events as an illness, a death, the birth of a baby, a marriage. On every one of these occasions the farmer, as also the labourer, borrows freely at exorbitant rates from the local money-lenders. "It may be correct to say that in many cases the income of the family would

be something minus if the standing debts were taken into account. The measures for social security that have been introduced in Western countries are almost entirely unknown in India.

The crying need of the moment, therefore, seems to be some sort of relief for the destitute and a standard of living that will enable the vast number of the Indian population to do more than merely exist. It means the planning of a better rural economy, based on the Russian co-operative farms perhaps, to help the Indian agriculturist who is burdened with small holdings and an accumulating debt, so that he can remain in the villages instead of adding to the congestion of urban areas.

It means the introduction of fair wages and national insurance against unemployment and ill-health; the introduction of social security laws for the benefit of the old and the infirm, the widows and orphans. A satisfactory home is one of the greatest safeguards against juvenile delinquency and, therefore, it is up to every State and community to strengthen and stabilise that home.

A huge country like India should offer untold opportunities for the exploitation and building up of its natural resources. An undertaking of the description of the Tennessee Valley Authority would enrich the land, give thousands employment during construction and introduce new industries and occupations afterwards. The T. V. A. project was introduced to relieve unemployment in 1933. It has made the valley fertile; the hydro-electric power supplied by it has helped to start various industries; it has made river navigation possible and given rise to a host of small businesses like the plying of pleasure boats for tourists and holiday-makers.

Another need of the moment is the introduction of compulsory education and figures are not required to prove that India is one of the countries with the largest percentage of illiterates. The ideal would be compulsory education up to sixteen years of age for all children, but if that is not possible, at least up to fourteen years, and compulsory attendance of special or night schools for two years more for children who have to work.

The education imparted in schools would have to be such as to serve the requirements of the community, giving scope to various kinds of talent. There must be schools which give literary education but side by side there must also be schools for technical education; agricultural schools; schools in forestry for children of the hill tribes; schools for those of the itinerant bards and acrobats, etc.

These itinerant performers are a cultural heritage from Ancient India. They have been the traditional entertainers of rural com-

munities and townfolk. Education of their children would ensure that entertainment which is essentially of the people is not lost, and that a high standard of performance is maintained. It would also prevent parents from exploiting or taxing their children unduly.

Compulsory attendance in schools would keep a large number of children out of mischief but what is more important, if every child were in school, it would enable the State to have access to the child.

Through universal education the State could endeavour to cultivate a national consciousness that would transcend the narrow boundaries of caste prejudice. It could try to acculturise the different elements that form Indian society today. What propaganda can accomplish has become more than apparent in recent times.

If every child were in school, the State could further see to his physical well-being. It could insist on periodical medical examinations. It could see that the poorer children get enough nourishment by giving them at least one meal during school hours.

This practice of feeding children in schools has now become a matter of course in many Western countries. In Oslo, Norway, the meal given in schools is a scientific diet worked out over many years of laboratory testing and weighing. It is known as the Oslo breakfast and consists of "1/3 of a litre of milk, one hard whole wheat biscuit or a piece of whole wheat ryebread, vitamized margarine and rich cream whey cheese,"¹ followed by an orange or fresh carrots. It is free as education is free, the entire cost of the breakfast being borne by the Oslo municipality.

In England the "Milk in Schools" scheme has been in operation since 1934. Under this scheme children are given milk at half the market rates, some needy ones even receiving it free.

The benefit of feeding children in schools cannot be emphasised enough. It is invaluable in promoting uniform normal growth and inculcating correct diet habits. It is necessary in India more than in any other country because such a large proportion of her population cannot afford enough food of the right sort, and because it would act as an inducement to parents to send their children to school.

Such a scheme may sound too utopian for India, but looking to the war budget for the last five years it may be argued that when so much money can be spent on destructive purposes, money to build up a growing generation cannot be grudged.

It was pointed out that amongst the better classes, children were

sent to school, but the parents were not sufficiently interested in their career. The father was usually too busy and the mother not educated enough, so that the child could play truant without anybody being any the wiser. To prevent this there could be Parent-Teacher Associations which would enable parents and teachers to meet and discuss the children's progress.

Very close contact is maintained between schools and homes in Moscow. Teachers are in constant touch with the parents who are at full liberty to watch a class in progress at any time they wish. Benches at the back are specially reserved for them and they come and go as they please without in any way upsetting the routine.

Progressive schools in America bridge the gap between the home and the school by appointing Visiting Teachers on their staff. A visiting teacher is a trained social worker whose duties are to help the problem child adjust himself to school life and prevent the normal child from becoming a problem. Cases may be referred to him by the classroom teacher or the parents. As soon as a child is brought to his notice he starts investigating. He observes the child in school and at home; he consults the teachers, discusses with the parents and makes friends with the child himself. His investigations give him the clue to the trouble and he works out a programme of corrective treatment. The nature of his work is, in fact, very much like that of the Probation Officer's, but the latter can only help after the child has appeared before a Juvenile Court whereas a visiting teacher tries to prevent a child from going to the Juvenile Court at all.

How these measures for social security and education should be introduced is beyond the scope of this enquiry, but until such time as they are, the Bombay Children Act can only hope to patch things on the surface when the root causes lie untreated and that in part explains why the Juvenile Court does not meet with greater success.

Another long-felt need has been the introduction of an All-India Children Act. It has been an item for discussion at many of the Juvenile Branch Conferences. In 1942 it was stated that the matter was being considered by the Government, but nothing seems to have been done yet. The first Children Act in India was formulated in 1920. Twenty-five years are surely a long enough period for all the Provinces to draw up into line. All legislation about children, prior to the Children Acts, were All-India Legislations.

If a Children Act were in force all over India, "foreign" children could easily be repatriated to child caring agencies in their own

Province and because there would be someone to look after them at the other end, they would not drift back again.

"Foreign" children in Certified Schools could then be transferred to institutions in their own Provinces and be educated near their homes and in their languages.

Expenditure on "foreign" children would thus be less and it would not seem such a burden because the financial obligations of the Provinces would then be mutual. But until an All-India Act is enforced, there seems to be no reason why the British Indian Provinces and the Indian States until they have Children Acts of their own, should not be made to pay the repatriation and maintenance charges of children from their areas.

When work under the Children Act is universal, it should be seen to that the various Provinces do not behave like autonomous States, one against the other, refusing to make preliminary enquiries about children or take charge of them. There should be the greatest amount of co-operation and the All-India Children Act should so provide that in cases where the homes of the children are fixed beyond doubt, repatriation to their own Provinces is automatic and quick.

Apart from such nation-wide general measures, there are others which local municipal bodies could introduce with good effect. The Poona municipalities, for example, could study those areas that breed crime and endeavour to improve the environment.

They could introduce better housing conditions to replace tin huts without windows below ground level, with two or three families sharing a hut sometimes.

They could clear spaces to provide play centres for children of the neighbourhood. In America such play centres have become the feature of any large town. They are institutions with facilities to meet every requirement. They have a gymnasium, swimming pool, library, all outdoor and indoor games. They arrange for annual camps at the sea-side or in the country. They have frequent medical examinations and suggest therapy to correct physical defects. Such a well equipped play centre would undoubtedly be beyond the purse of the Poona municipalities today, but to begin with very little is really needed. The main idea is to have some place where the children can meet after school or work hours instead of roaming about the streets and getting mixed up with gamblers and thieves or being attracted to undesirable haunts.

In Poona it would serve the purpose if a play centre consisted of an open space, a hall and a room where the children could have

a proper wash. A part of the hall could be used as a library with magazines and simple books in the vernacular. A part of it could be the dispensary where cuts and bruises and simple skin conditions could be treated. The rest of the hall could be utilised for supervised indoor games and card play, provided there is no gambling. In the open the children could play games like *hu-tu-tu*, *kho-kho*, *atya-patya*, all of which require no equipment at all.

In areas where it is impossible to clear any space, unfrequented streets could be closed to traffic at certain hours and workers could organise play in the streets.

Once a centre is well established, it could extend its activities by arranging interesting talks and by taking children on outings. Poona is surrounded by a number of ideal picnic spots and in Poona itself there are many places of historical interest which could be visited.

A play centre should, further, be more than just an impersonal place of amusement. It should be a place where a child can bring his difficulties and get over them. Many little children who have fallen back in class for one reason or another find it impossible to catch up with the rest again and gradually lose interest in school altogether. As their parents are usually incapable of helping them, such children could be encouraged to bring their school work to the centre where the workers or the older children could assist them. Whatever the problem, a child should feel that at the centre every effort will be made to help him solve it.

Through play and through work the centre should try to promote a spirit of comradeship and helpful living. It should try to ward off delinquency by giving the children a chance to play with healthy companions in healthy surroundings.

Two play centres have been started in Poona recently. Both are under the auspices of the District Probation and After-care Association. One is financed and conducted by the Maharashtrian Society; the other by a group of enthusiastic College students.

The first play centre does not meet very regularly. On two or three occasions attempts were made to see the children at play but the centre was found to be closed.

The centre run by the students is situated in a Church and school compound in Sholapur Bazar. A part of the school building provides space for play indoors. A part of the verandah is the dispensary. There are about seventy children on the roll and most of them are Indian Christians since Sholapur Bazar is predominantly an Indian Christian locality. Though a few children are as old as fourteen or fifteen years of age, a large majority of them are under

twelve years. The boys are divided into two teams and play hockey or cricket or *hu-tu-tu* or other outdoor games every evening. The girls play on their own and are also taught simple sewing and knitting. It is open from six to seven-thirty in the evening and it is a pity it cannot be kept open for longer hours. That of course will only be possible when there is a paid worker at the centre because the students cannot put in any more time than they do already. Another drawback is that because it is in a Church compound non-Christians feel a little backward about joining it. Moreover the centre has to be closed every time there is an evening service, that is, a couple of evenings a week and on all Christian festivals.

Neither of the two play centres receives any help from the municipalities. When private societies volunteer for such work, they should receive every encouragement from the municipal bodies because these bodies are concerned with the social health, as much as the physical health, of a town and the responsibility of the upkeep and introduction of such places is ultimately theirs. The provision of play centres should be as important an item on their programme as municipal schools. These schools themselves could serve as play centres if need be, except that a change of environment is better for the children.

Local bodies could also establish creches and nursery schools to look after children when both the parents are employed. In a place like Bombay where so many women are employed in mills, the mill authorities could be made to provide creches for the children of their women employees. In Poona the women are usually employed as labourers, *bidi* makers or domestic servants. Thus there is no authority which could be made to provide creches and the responsibility falls on the municipal bodies.

Babies of about a year or under could perhaps be taken care of in maternity hospitals or babies' homes for certain hours during the day.

For the older children there would have to be special creches. The word creche calls to mind expensive modern equipment, but it need really be just a healthy place with the simplest of play materials and someone to look after the children.

In Madras, it was decided to set up a chain of Relief Nursery Schools in areas that needed them most. The first Nursery School was started in 1935. It has accommodation for about fifteen children of two to four years of age and it is within the means of the poorest parents. The admission fee varies from 8 as. to Rs. 2 according to the ability to pay in each case. The school routine is

given in one of the Numbers² of the *Indian Journal of Social Work*. The school hours are from 9 A.M. to 4 P.M. The school starts with health inspection by the health visitor and a change into school garments. Then comes play in the open on see-saws, swings, slides or in the sand-pit. The child can choose his play material from a various assortment of miniature cooking utensils, buckets, spades, etc. At 9-30 the children come in for their glass of lime or orange juice after which follow group activities like singing, rhythmic exercises and story-telling. Play indoors continues till noon when they wash and get ready for their meal of rice and curry. After the meal they go to sleep on mats for about an hour. Then comes more play indoors with a thorough wash later. At about 3 o'clock there is a bowl of wheat conjee with lots of good milk. After that about half an hour more on the swings or slides.

The children learn to help themselves to whatever toys they want and to put them back in their places afterwards. They know their drinking cups, plates, towels and towel-racks by pictures of birds and animals painted on them for identification and can manage with comparatively little help from the adults.

There is one trained worker in charge of the children. She is assisted by a student worker and voluntary helpers come in occasionally.

Such creches would serve the two-fold purpose of giving babies proper care and of freeing the older children of the responsibility of looking after them. It was pointed out that when both the parents were employed and there was no other adult in the house, the business of minding the baby or toddler fell to the slightly older brother or sister. The Juvenile Court has witnessed many cases where parents have refused to send a child of eight or nine years to school because there is no one else to look after the baby. And it is little use blaming the parents.

As regards the Children Act itself, there has been no strict legal study of it, but certain modifications have been called to mind by watching the Juvenile Court at work.

Section 8 of the Children Act provides that an uncontrollable child, if found to be really so, may be sent to a Certified School. It would be more constructive if the section were amended to include supervision of uncontrollable children and their commitment on "fit person" basis. In short the measures that could be applied

to an uncontrollable child should be the same as those that could be applied to any other child under Part II of the Act

It was pointed out that a child became uncontrollable because the parents were too strict or too lenient or some such reason which the Probation Officer could perhaps remedy with time and persuasion. So it seems a pity that a child who can be resettled in his own home under supervision, should have to be committed

Even amongst uncontrollable children who need institutional care, there may be one who, the Probation Officer thinks, would benefit more if sent to a particular school which is not certified. Maybe because it admits children of his own sect or from the same station in life or because it is near his home. Whatever the reason, it should be made possible for him to be committed to that particular institution.

The Juvenile Court has brought to light a kind of poverty that is not exactly destitution in the sense that the children are on the streets. For instance, a man earning about Rs. 50 per month dies and leaves his widow with three or four children. She has no State help in the shape of allowances for widows and orphans. She is well clothed and has some ornaments, perhaps, but that cannot carry the family very far obviously. She is usually uneducated. The only way she can hope to earn her living is by working as a domestic servant with a monthly income of Rs. 15 or Rs. 20 at the very most. She is thus forced to appeal to the Juvenile Court. If the appeal is disregarded, the children stand every chance of coming back later as neglected or delinquent. If the Court decides to help her, the children are committed, sometimes to different Certified Schools. The family is scattered and the children are deprived of a parent who, except for her poverty, is perfectly capable of looking after them.

Until there are general measures for the benefit of such cases, it is suggested that the Bombay Children Act should provide that in cases where poverty is the only cause of dependency, the children may be kept with their parents and even half the capitation fee that is paid to an institution be paid to the parents as subsidy. The parents then would not be parted needlessly from their children whose presence would restrain them from seeking doubtful means of livelihood; the children would be brought up in their natural environment, and it would cost the State only half as much. Strict supervision could prevent misappropriation of the money and see that the conditions stipulated by the Juvenile Court are carried out.

The second paragraph of Section 22, which authorises the Juvenile Court to commit a child to prison under exceptional circumstances, may be deleted. It is hardly ever used.

Section 27 B prohibits the newspapers from publishing the name, address, pictures or any particulars that would lead to the identification of children involved in offences. It is a very sound provision as mentioned earlier, but recent proceedings against a newspaper editor in Bombay have raised an issue. A medical practitioner in Bombay was arrested for ill-treating his small daughter. He had beaten her within an inch of her life. The child was so seriously injured that the medical men of the hospital to which she was taken feared that she would be maimed for life. The editor got news of this case and published an article in his paper exposing the parent, giving his name, address and other details, and thereby offending under Section 27 B because the identity of the father revealed the identity of the child.

While conducting his defence the point raised was whether an adult who was guilty of so gross an offence should be allowed to take cover from public censure behind a section that was meant to shield the child.

It is understood, of course, that the question arises only when the adult happens to be a member of the child's immediate family, such as the parents or elder brothers or husband. Exposure of an adult not belonging to the family would not lead to the identification of the child.

It is felt that the section should be so amended that the exposure of a parent or any other adult whose identity would reveal the identity of the child should be left to the discretion of the examining children's magistrate. If he thinks that there are chances of reconciliation between the child and the offending parent or any other adult and there is a possibility of reconstructing the child's home, then the less said the sooner mended. But should he be convinced otherwise, exposure of the adult would not hurt the child and would benefit the society. To take a possible example—if a child-wife is ill-treated by her husband or his mother to such an extent that she dies, or is maimed, or even if it is not extreme enough to make it impossible for her to be sent back to her husband, then exposure of the husband would benefit the society by making it very difficult for him to secure another wife and, if he did marry again, he would be very careful how he treated his new wife. His example would also have a chastising influence on other would-be ill-treaters of wives.

The period for which a child may be detained in an institution is summed up in Section 32. It states that in no case will it extend beyond the time when a child attains the age of eighteen years. A child does not stay in an institution for his full term. He is usually let out on licence under supervision, but it means that even supervision must cease at eighteen, and the inadvisability of stopping protective supervision at the dangerous age of eighteen years has been discussed elsewhere. The age limit could be extended, but what is really required is a longer term outside the institution under supervision. It is suggested, therefore, that the age limit for detention in the first instance should remain eighteen years, but the Children Act should provide for the continuance of supervision with the possibility of redetention until a child attains twenty-one years of age.

Such a provision would also give sufficient time to arrange suitable marriages for the girls. The Juvenile Court is not in favour of early marriages, naturally; it waits till a girl is sixteen or seventeen years before looking around for a suitor. By the time a man can be found to please the girl, the parents and the Juvenile Court, the girl completes her eighteenth year and passes out of the control of the Juvenile Court without anything constructive being done for her. This is especially true of girls whose guardians have exploited them in the past and are capable of exploiting them in the future. As one children's magistrate said, in such cases the Juvenile Court spends time and money making a girl literate, teaching her to dress decently and cleanly, in order to qualify her for higher prostitution with greater profits for her guardians!

Section 46 is rather vague about the procedure to be followed when children are co-accused with adults. That should be clarified. Personally it is felt that the procedure adopted should be the one followed by the Juvenile Court, Poona. Joint-trials should be held in the Juvenile Court after the hearing of juvenile cases.

And lastly, what has been said about facilitating repatriation of children to their native Provinces would apply to the repatriation of children to their native Districts within the Province. The Bombay Children Act should so provide that when the birth-place, or rather the place in which the child's home is situated, is fixed beyond doubt, transfer of that child to the child caring agency in his home District should be a matter of routine. Lengthy correspondence asking for permission, which is sometimes withheld, should not be necessary.

Coming to the administrative side, the first suggestion would be that the Juvenile Branch be constituted as an independent office.

It is not conceivable for one man to attend to diverse duties like the settlement of Hurs in Hodgi, the uplift of the Mangs and the rehabilitation of Juvenile Offenders all at the same time.

It may be argued that the amount of work done by the Juvenile Branch is not enough to justify its separation. But if the Children Act is to be applied to the whole Province, if there are to be Juvenile Courts in rural areas also, if there are to be more places of care for committed children, then the work will increase in the near future.

Furthermore, if local bodies are to establish creches, open play centres; if children are to be fed in schools, if they are to be medically examined, there will have to be a Government Department to supervise these activities and encourage the local bodies; and the most suitable department is the Juvenile Branch. So if the Juvenile Branch is to become what its name suggests it should be—a Branch responsible for the general welfare of all juveniles—then its work will increase enormously in the near future, and the sooner the Branch is made independent the sooner will the ideals of the near future be realised. It is now eighteen years since the Act first started functioning in Bombay, and the full Act is not in force in the whole Province yet.

The separation of the Juvenile Branch would undoubtedly increase the expenditure, but it may be repeated that it is worth the expense to build up positively a coming generation.

It is suggested further that the Juvenile Branch should maintain a research centre where investigations could be carried out on relevant subjects like the probable causes of delinquency in particular areas; methods of probation; results achieved by different types of institutional care, so as to know which to encourage and which to discontinue; later it could also include topics about the general welfare of children. Such a centre would indicate the direction in which the Juvenile Branch should proceed.

It is also suggested that workers who come into direct contact with children, like Probation Officers and teachers of Certified Schools, should not be transferred needlessly for reasons already mentioned. Neither should they be promoted to administrative posts but receive their promotions in their own spheres.

As in Bombay there should be special children's magistrates to preside over the Juvenile Courts. How unsatisfactory the present arrangement is has already been shown.

Amongst other things, special magistrates would help to speed up the disposal of cases. At present the Juvenile Court can meet

only once a week because the Presiding Officer has to attend to his work in the adult court. If for some reason or other a case cannot be decided at one meeting, it has to be postponed for a further eight days.

The Juvenile Courts should be extended to rural areas, children's magistrates in towns presiding over the surrounding rural courts on certain days of the week.

One of the qualifications of a children's magistrate would have to be a sound knowledge of the vernacular spoken in the area within his jurisdiction. If the magistrate can only approach a child indirectly through an interpreter, he cannot hope to gain his confidence and understand his problem.

It would be helpful if magistrates were required to revise their commitment orders every three years, as used to be the practice in Belgium. Then they would not regard a commitment order as the closing of a case and an end to all their responsibilities. They would keep in touch with the life of their wards and observe the effectiveness of their sentences.

In places like Poona, where Juvenile Court work is fairly advanced, there should be a child guidance clinic attached to the Court because there are always some children whose problems can only be solved by a psychiatrist after clinical observation. Even though Bombay is close to Poona, it is not possible to have children treated there. To diagnose a case it is necessary to have the parents' co-operation and know fully the child's history and his environment. In those rare cases that were referred to Bombay, the Bombay Clinic had to send questionnaires to the Probation Officers in Poona. These Probation Officers had to interview the parents, note whatever information was required, and send the questionnaires back to Bombay. A very cumbersome method when compared to interviews on the spot.

The medical examination of children should be really thorough because diseases like tuberculosis and syphilis escape detection on a cursory examination. There could be routine examination for these two diseases in every case. WILLIAM HEALY maintains that even if only one child in eighty was found to have syphilis, the possible outcome of treatment might readily pay for the effort.³

Since children in India come from such different cultural strata, the Juvenile Court should endeavour to judge each category of delinquency, destitution and neglect in its proper sociological setting, giving due attention to caste, season, etc.

³ *The Individual Delinquent*, p. 205.

The Probation Officers also should not lose sight of local sociological conditions or else they may become inclined to give a disproportionate value to certain phenomena which are described in books based on experience in Western countries. Wife beating may be taken as a case. In European families and modern Indian middle-class families, wife beating is very rare. The scene of the father beating the mother would make a very grave impression on the child. But the same phenomenon may not be such a rare occurrence in other classes and it would hardly have the same psychological effect. In orthodox Indian families, even amongst the better classes, it is not unknown for a man to have beaten his wife once or twice during their married career. Amongst the poorer classes it is very common. Recently, about fifty peasants were interviewed in connection with some investigations, and just by the way they were questioned as to whether they beat their wives. Persons who said they did not were the exceptions. Casual questioning also showed that wives did not resent very greatly an occasional beating from their husbands. In fact they may think their husbands lacking in manly qualities if their sauciness went unpunished!

The Juvenile Court should also keep in mind its limitations. Practices like caste begging and caste concubinage, which have practically become institutions, cannot be dealt with through the back-door of the Juvenile Court. There should either be direct legislation making such practices illegal or reforms should be brought about gradually through education. The Juvenile Court cannot hope to deal with them on a mass basis. It can only deal with a few cases and in such cases the fact alone that the parents beg or that the mother is a concubine should not be held against the parents as far as possible.

The real exploiters of children should be more severely dealt with than at present. It is an offence to accept anything as pawn from a child. Perhaps it could also be made an offence to buy anything from a child. That would help to check the indirect exploitation of children by cycle dealers and shop-keepers and make it easier to bring the adults to book.

The police should also keep a sharp look-out for adults who "hire" children for begging purposes, exploiting their physical defects or sometimes maiming them on purpose to excite pity.

A sharper look-out should be kept on brothel keepers and procurers who lure young girls with false promises. An increased population and the stationing of troops in towns has made the problem graver.

So far there have been very few brothel cases in Poona and elsewhere, except perhaps Bombay, and for them there has been no satisfactory solution. The girl from a brothel is a different problem to one who commits an occasional theft. The latter is not morally depraved and her rehabilitation is fairly simple. But a girl who has been in a brothel for some time suffers from grave internal moral decay. She acquires a peculiar set of moral values and ideas and it is difficult for her to change them. No good institution is willing to admit her because of the moral influence she will exert on the other inmates, if only by the relation of her past experiences. She has to be accommodated in any Rescue Home that agrees to admit her. There she is pent up within four walls without proper education, without enough work and without any supervision. No positive effort is made to reorient her into a healthier physical and mental life.

If the authorities take steps to clean up brothels by frequent raids and by keeping a check on procurers, as the present intention is, the Juvenile Court will be faced by a number of brothel cases and not know what to do with them. It is suggested, therefore, that there should be a special institution fully staffed by a qualified and experienced personnel, where these girls could be taught their three R's and an occupation that will lead them back to normal life; where each girl could be given individual attention to ensure that her moral integrity is restored. As soon as a girl adopts a saner outlook on life she could be given employment outside the institution or transferred to other institutions to be taught further or married.

The transfer for marriage purposes is suggested because it is likely to prove very difficult to find suitors for the inmates of an institution that is known to shelter prostitutes.

• The police in Poona and elsewhere, perhaps, should be made to take the Juvenile Court more seriously. They should be more prompt in informing parents, presenting charge sheets and summoning the necessary individuals. It would prevent a lot of delay in the disposal of cases. Some Western cities have a special police force to deal with juveniles. Perhaps such a system could be introduced here also.

It was stated earlier that preliminary enquiries had to be made in each case before the Juvenile Court and that the information was filed in the office of the District Probation and "After-care" Association. In passing it may be mentioned that the Association should be more careful of these records. As shown in Table I quite

a number of files were missing when the material was collected for this enquiry. After the preliminary collection it was found necessary to refer to the files again on several occasions, and almost every time some more files were missing. Keeping old files is certainly not as important as the other duties of the Association, but it does mean that material that would prove useful for research purposes is lost.

When general measures for the relief of destitutes is universal and education is compulsory, many cases of destitution and neglect will be weeded out of the Juvenile Court, but as present conditions stand, the Juvenile Court in Poona and elsewhere in the Province have to deal with destitute and neglected children more than with offenders. This is apparent in all the Tables. The measures for care should therefore be more adapted to the needs of the former than of the latter.

In Western countries, always supposing that it is not possible to return a child to his own home under supervision, the best method of care for destitute and neglected children and some delinquents also has been found to be placing in families.

Such a practice is not possible on any large scale in present Indian society for reasons mentioned earlier, but the system of paying widows to take in a few children should be tried out.

The only method of care which the Indian Juvenile Courts can utilise freely, again in those cases which cannot be returned to their own homes, is detention in an institution. The institutions best suited to the needs of destitute and neglected children are those of the mixed type where court committed children can be absorbed in the general population of children from normal homes. Institutions, maintained and run by voluntary agencies, which admit only a certain percentage of committed children, meet the above requirement. The Juvenile Branch, therefore, should concentrate more on such institutions.

In actual numbers, voluntary institutions exceed those purely for court-committed children, but the accommodation to be had in voluntary institutions is very limited and very few children can be committed to them. Reference to the Disposal Table in Chapter III will show that amongst destitute and neglected children ninety boys were committed to a Government institution, that is, the Yeravda Industrial School, which is for court-committed children only; fifteen to Semi-Government institutions also for court committed children only; and but forty-nine to "fit person" institutions and voluntary institutions of the mixed type.

For girls the position is different. Except for the M. D. Annex, Chembur, there are no institutions for committed girls alone, and one will be required on the other hand for the type of moral danger cases just described.

The amount of money spent by the Juvenile Branch on mixed voluntary institutions is also very much less than the amount spent on institutions of the other type. For the year 1943-44,⁴ Rs. 89,284 were spent on voluntary institutions whereas Rs. 3,86,940 were spent on institutions for court-committed children only. Of this amount Rs. 1,93,548 were spent on the Yelavda and the David Sassoon Industrial Schools, institutions which are more fitted for the care of delinquents. The present situation, therefore, seems to be rather illogical. The problem is to care for destitute and neglected children, but the facilities available are more suitable for the care of delinquents.

There is certainly no hard and fast line separating some destitutes from delinquents. Sometimes it just happens that a child who has stolen money and run away is arrested as a destitute under Section 7(i)(a) of the Bombay Children Act. Another child in similar circumstances may be arrested for theft.

Moreover a section cannot be an infallible indication of a child's character. A destitute who has loafed around with undesirable people may have worse morals than a child who has committed theft through sheer exuberance of spirit.

But generally it may be said that the young offender is a step further from the destitute or neglected child. This is borne out by the follow-up. Post-disposal history shows that there are fewer failures amongst the destitute and neglected children and none of them are in Borstal or prison. The other two Tables show that whatever the age and whatever the home conditions, the destitute and neglected children have slightly better chances of making good than the offenders. That being the case, it would be natural to conclude that every effort should be made to reclaim a destitute and neglected child before he becomes an offender, and that it would not be for the best to send him to institutions where he would make friends with some of the worst offenders. As stated in the chapter on Disposal, most cases of theft and breaking and entering are released on probation, and only those children whose home conditions are very bad or what is more usual, who need disciplining, are committed.

⁴ *Annual Report of the Juvenile Branch*, pp. 48-53.

Even for delinquents, it would be better to send them to mixed institutions whenever possible because it may do grave injury to label children and separate them from the normal group. Those with good antecedents, who are not likely to influence other children, may be sent to a mixed institution on the recommendation of the Probation Officers, that is, if they cannot be placed on probation.

But the really delinquent child would have to be sent to a special institution because until he is "neutralised" he is a source of danger to the other children, specially in a boarding-school, and no management would be willing to run the risk.

Even for such children, it is felt that instead of having a couple of large institutions which serve the needs of the whole Province and bring together an ill-assorted group of children, there should be smaller institutions scattered over the Province to serve the needs of a linguistic area. That would do away with the difficulty of teaching a number of languages in one institution; a smaller number of inmates would make it possible to give each, individual attention; the children would find some other bonds in common besides their delinquent past; they would also be nearer their homes so that their parents would be able to visit them more frequently.

Even from these institutions the children could be boarded out in hostels and be made to attend ordinary schools or technical classes, or be apprenticed as early as possible, so that they are segregated for no longer than is necessary.

Until education becomes general and some amount of acculturation is achieved, these institutions would have to be of a variety to meet the ways of living of the various different cultural elements in Indian Society, as stated before, though in the matter of food and clothing they would be about the same.

A word may be said here about food in institutions because it is doubtful whether many institutions plan their meals scientifically. There are various pamphlets by Ayrkroyd on what constitutes a well-balanced diet at the minimum cost. Articles on the subject are also found in the numbers of the *Indian Journal of Social Work*. These could be taken by the institutions for their guidance. It would be better if the Juvenile Branch were to work out a well-balanced menu and expect the institutions to follow it.

The ability to provide a well-balanced diet should be the basis for considering the capitation grant given to voluntary institutions. In connection with the Poona Remand Home, it was shown that the capitation grant was inadequate. But until a couple of years ago the Remand Home did not cook its own meals. The children

were fed by contract with a third party. As such the expenses were bound to be more.

Judging according to AYKROYD and others, in pre-war days a well-balanced diet cost about Rs. 7 at least per head per month. The capitation grant then was Rs. 8 per month. It would have been sufficient if it were meant to cover the food expenses alone, but it was supposed to include all overhead charges like medical attention, books, clothing, bedding, etc., with the result that children got poor food. In most institutions they did not even get enough milk, which is the most important item of diet. AYKROYD and others believe that a child should consume eight ounces of milk every day.

What has been said of pre-war rates may be said of present rates also, because the cost of living and the capitation grant have increased proportionately. But instead of raising the capitation grant, it is suggested that overhead charges be met by special grants. The present amount would form the basic capitation grant to be spent more or less on the child's food, but if, for instance, a certain school needs blankets for the court-committed children one year, that school should be given a special grant to buy those blankets, and whether they are bought should be verified; or if a child needs expensive medical treatment, there should be a special grant to pay for the expenses and it should be seen that the child is properly treated; or if an institution needs a matron because the number of court-committed children has become larger than can be managed by the existing staff, then that institution should receive a special grant covering the pay of the matron, and it should be made sure that one is employed. Older children can be expected to look after themselves, but a matron is needed for the young ones, to see to their toilet, mend their clothes and even spend the night with them if required.

Most voluntary institutions are at a disadvantage as regards food, recreation, medical attention and staff because most of them cannot afford the expenses. But these institutions are best suited to care for the majority of court-committed children and the Juvenile Branch should help them up to the required standard by special grants, by lending the services of Government personnel and by whatever other means it can.

Most of the voluntary institutions certified so far have been those that give literary education. The Juvenile Branch should now endeavour to certify schools that give industrial training or help to start such training in voluntary certified schools that exist already.

The expenses of the Certified Schools could be shared by the juvenile Branch and the municipalities of the linguistic area which a particular school serves.

It is not necessary to repeat all that has been said in an earlier chapter about the staff of Certified Schools and the training to be given, but it may be stressed again that the institutions should be made to keep records of their ex-students for at least three or four years after their release. As far as is known, only one institution even so much as tries to keep in touch with its inmates for two years after their release. Institutions in the West were shown to follow up the career of their students for at least three or five years—ten years in one instance!

It is also suggested that instead of committing children directly to institutions, the Juvenile Court should merely be required to commit them to a collecting centre. For two reasons—very few magistrates today have a correct idea of the various types of institutions and cannot be the best judges of which will meet the child's requirements. If a child were committed to a centre first, he could be observed by a staff thoroughly familiar with the different Certified Schools and sent to the most suitable.

The other reason is that all Certified Schools are invariably full and children have to wait a long time for admission. Pending vacancies, they are housed in Remand Homes, which are not meant for long stays. Here the children just mark time and get used to light work which makes them resent the more strenuous routine of the institutions later.

The collecting centre could be closed down when the need for it is no longer felt, that is, when there is enough accommodation in institutions and when magistrates are in a better position to decide to which institution to commit a child.

The after-care of children released from institutions should receive more attention than it does today. The few After-care Hostels that exist are apt to be neglected because the Probation Officers are too busy supervising children placed on probation by the Juvenile Court, making preliminary enquiries and attending to the correspondence. In Poona the Probation Officer who is in charge of the Remand Home is also supposed to manage the After-care Hostel. Running a Remand Home and an After-care Hostel are both full time jobs and it is hardly possible for one man to be in two places at the same time.

There should be special officers to supervise licensees and manage After-care Hostels. These Licence Officers could get into touch

with the potential licensees from their town as soon as they are committed to an institution. If, for example, a child, from or around, Poona is committed to the Ycravda Industrial School, the Licence Officer in Poona could be informed of it immediately. He could then begin visiting the child, get into contact with his family and know them all well by the time the child is released. Supervision then would really be effective.

Even if a Poona child were committed to a nearby place like Bombay or Satara, the Licence Officer could visit the child occasionally—about once a month. If the institution to which a Poona child is committed is too far away for personal visits (that would seldom happen if there were small Certified Schools scattered over the Province, as suggested) the Officer could get into touch with the child by writing to him. It is supposed to be a great morale builder for children to feel that someone in the outside world is personally interested in them.

By keeping the child informed of his parents and by reminding the parents of their child, the Licence Officer would help to preserve the family ties and neither the parents nor the child would lose sight of one another.

The Licence Officer would serve another useful purpose. Nobody denies the importance of environment. But merely to blame the environment, without constructively altering it, is not very helpful. The present tendency seems to be to blame the environment and commit the child. But little thought is given to the fact that if nothing is done to improve the environment, the delinquent child, on his release, will find himself in almost the same circumstances that made him a delinquent in the first instance; the child who was in moral danger because her mother was a prostitute will be in even graver moral danger when she goes back to her mother who still is a prostitute. The Licence Officer's task would be to improve the home circumstances while the child is being trained in the institution. He would undoubtedly have to work uphill because there are hardly any social service agencies to help him. At first, he may come across many a blank wall due to the prevailing economic and social conditions. But the effort should be made to begin after-care as soon as a child is committed.

It may be noticed that according to the suggestions there would be some decentralisation of child care. Instead of large institutions for the whole Province, there would be smaller ones for the different linguistic areas within the Province, and the municipal bodies of these areas would have to contribute towards the upkeep of the institutions ;

and the maintenance of children committed to them. Each town would have to look after its own children to some extent, and the Poona Municipalities would have to open play centres, introduce creches for Poona children. The proper care of the growing generation is after all as much the responsibility of local bodies as of the Provincial Government. At present municipal contribution is restricted to the very nominal grants given to the District Probation and After-care Association.

Public contribution was also shown to be very small. It is up to the District Association to awaken the public and make them familiar with Juvenile Court work by effective propaganda. That aim should not be lost sight of amongst others more immediately connected with the Juvenile Court.

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